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**I.**





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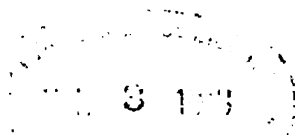
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## INTRODUCTION.

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*THIS volume is the first of a series of Collections which the New-York Historical Society proposes to issue, under the provisions of its "Publication Fund."*

*The preparation of this volume was entrusted by the Society to a Committee of three of its members,*

*GEORGE BANCROFT,*

*JOHN ROMEYN BRODHEAD,*

*GEORGE HENRY MOORE.*

*In executing their duty the Committee, after careful consideration, decided :*

*I. That the general contents of this volume of Collections should illustrate, directly or relatively, the History of New York.*

*II. That as the series is not intended to be a history, but only materials for history, neither chronological sequence nor homogeneousness of subject is necessary.*

*III. That the documents and papers given in the collection, should be printed with literal fidelity to the originals, and without unnecessary annotation.*

*The Committee believe that these principles have been faithfully observed.*

*They further remark that the contents of this volume are mainly original, and give information which scholars in American History must pronounce to be of a value not exceeded, if equalled, by any similar publication.*

*With this conviction, the first Committee of the New-York Historical Society appointed under the requirements of its "Publication Fund," submit their work to public judgment.*

*NEW YORK, DECEMBER, 1868.*

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I.

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**THE CONTINUATION  
OF  
CHALMERS'S POLITICAL ANNALS.**



## NOTE.

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GEORGE CHALMERS, Fellow of the Royal Society and the Society of Antiquaries, Chief Clerk of the Committee of the Privy Council for the consideration of all matters relating to Trade and Foreign Plantations, Colonial Agent for the Bahama Islands, and author of many works in the several departments of literature, died in London, 31st May, 1825, aged 82 years. A native of Scotland, he was descended from the Chalmers's of Pittensear, in the County of Moray or Elgin-shire. He was born in the end of the year 1742, at Fochabers, and was educated, first at the Grammar-school of that town, and afterwards at King's College, Aberdeen, where the celebrated Dr. Reid was his preceptor. From thence he removed to Edinburgh, where he studied law, which he afterwards practised in this country more than ten years, till the breaking out of the American Revolution. Returning to Great Britain, he settled in London, where he applied himself to literary pursuits. Chalmers first distinguished himself by the publication of his *Political Annals of the Present United Colonies*, which showed a thorough knowledge of colonial history, colonial law, and colonial policy. This was followed by several other works, which evinced his ability and intimate acquaintance with the principles of commerce and political economy which lay at the foundation of the British system; and led to his appointment, in 1786, to the responsible public office which he occupied till his death. His assiduous labor in the literary field, his large and valuable contributions to knowledge, his integrity, his patriotism and public spirit, fully entitled him to the character which was drawn of him by a friend as a "faithful servant of the public, who had spent a long and active life in the honorable discharge of public duties and the zealous dissemination of useful knowledge."



The work which is continued in the following pages is too well known to require introduction or comment. Its first appearance challenged the admiration of historical scholars (even those who were hostile to the principles of the writer), as a substantial contribution to American History, illustrating the annals of the Colonies, and especially the relations in which they had stood to Great Britain from their origin, from original authorities—public records and state papers. The writer of the preface to the *Revolt of the American Colonies*, published in Boston in 1845, very justly said: "Notwithstanding the tone and object of Chalmers's Annals, the work has ever been quoted by American writers with entire confidence and respect, and this circumstance speaks clearly in favor of the author's candor and honesty. Judging from the free use which has constantly been made of this work, as well as from the matter it contains, we may justly regard it as holding an important place in our historical literature."

The volume published in 1780 brought the Annals down to the era of the Revolution of 1688, and disclosed the author's intention to continue the work; but he changed his purpose, and nothing more appeared; although he left at his death the continuation in manuscript, which is now for the first time printed from the original in the handwriting of the author, carefully revised and prepared for the press by himself. Continuing the Annals nearly to the close of the seventeenth century, its undoubted authenticity and its clearness of detail justify regrets that the work was not completed to a later period, and that it has not been published before.

Chalmers's Library and MSS. were sold by auction in London, in 1841 and 1842. This MS. with others then came into the possession of Thomas Thorpe, the London bookseller, from whom it was purchased by Mr. BANCROFT, to whose liberality the New York Historical Society is indebted for this precious addition to its manuscript treasures.

**POLITICAL ANNALS**  
**OF THE**  
**PRESENT UNITED COLONIES,**  
**FROM THEIR**  
**SETTLEMENT**  
**TO THE**  
**PEACE of 1763.**

Compiled chiefly from RECORDS, and authorized by the Insertion  
of STATE PAPERS,

By G.—— C.——

*"Anecdotes enow to glut the curiosity of some persons and to silence all the captious cavils of others will never be furnished by any portion of history: But he who is content to read and observe like a Senator and Statesman will find as much information as he wants."*

BOLINGBROKE.

**BOOK II.**



# POLITICAL ANNALS

OF THE

## PRESENT UNITED COLONIES.

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### BOOK II. — CHAPTER I.

*Review of the reign of James 2d.—The abdication.—The Revolution.—The accession of William and Mary.—Conduct of Scotland.—Proceedings of Ireland.—Remarks.—Prince of Orange writes circular letters to the Colonies.—The orders of the Privy Council.—Subsequent conduct of Virginia.—A Revolution in Maryland;—and approbation of William.—Pennsylvania continues its former administration.—Affairs of Massachusetts:—Intrigues of the Agents:—The Consequences:—Revolution at Boston:—The Insurgents resume their ancient government.—Which is approved by William.—The conduct of the other Colonies of New England.—A Revolution at New York;—which ends unhappily for the principal Agent.—The Jerseys remain without any perceivable government.—The Carolinians proclaim William and Mary.—Observations: And inference.*

FEW princes appear to have more justly merited the loss of the attachment of their subjects than did James 2d of England. Neither instructed by the sad example of a father, nor by the infelicities of a brother, to his natural aversion to popular rights he added that fondness for personal power, which he had acquired during his exile in his youth, and which had been confirmed during the prosperity of his riper years. Whatever may have been his private virtues, which as a man

procured him justly the affection of his friends, his political prepossessions and religious principles seem to have disqualified him for holding the scepter of a monarchy, the forms of which were now so precisely ascertained as to deprive him of those justifications, that deducted something from the demerits of his predecessors. A course of uniform misrule,<sup>1</sup> owing partly to his own bigotry, perhaps more to the profligate treachery of his ministers, all tending to a dissolution of the constitution, brought on a crisis, that constrained all parties in the nation to decide on the necessity of a revolution. Did the misconduct of that monarch amount in the judgment of every the "to an endeavor to subvert the government,"<sup>2</sup> the result of his deliberate judgment had completely overthrown the subordinate systems of the colonies. And the provincials had been already reduced to that deplorable state of servitude, which the people of Great Britain only dreaded as the greatest of evils. The Prince of Orange, in order to promote his own views, brought deliverance to both, which they had sighed for in vain, but for his timely arrival.<sup>3</sup>

The moment James relinquished a government descended to him through a long line of ancestors, in the ill-founded hope, that by introducing universal anarchy, it would be impossible to reestablish the administration in his absence, the Prince, by the request of an extraordinary assembly of peers and commons, assumed the reins which the infatuated King in despair had thrown away: And he summoned in his own name a convention of the states of the realm. When this memorable council assembled on the 22d of January, 1689, the commons made it only the work of one slight debate to decide this momentous question; "whether the kingly office was vacant:" Admitting at the same time the validity of this important proposition of constitutional law, *that though James had fled the regal branch of the body politic still remained.* For the whole fabrick of government must otherwise have fallen into ruins: The peers would have been degraded from their high sta-

tion; the electors of the commons must have lost the privilege of election; every order in the state would have been reduced to a level: And the people must have reared on new foundations an edifice in the room of the venerable pile which had been thus overthrown. But the prudent moderation of the wise happily tempered the inclinations of the vehement. And when the vacancy of the regal office was at length decided by the agreement of the two houses of Parliament after various debates, it followed as a necessary consequence that it must be again properly filled. The Prince and Princess of Orange were accordingly declared by them King and Queen of England, and the *dominions to the same belonging*. All parties in the nation concurred in admitting the necessity of a revolution, and the wise of those days from this circumstance inferred the justice of it. England and her Colonies were equally benefited by this signal event; because the sufferings of both were equally relieved.

The change of an administration that was absolutely bad to one many degrees better was by no means the sole advantage which the nation derived from the Revolution. The nature and principles of the constitution before extremely indefinite were not only ascertained, but the power of the legislature and the prerogatives of the supreme executive magistrate were asserted and established over every dominion of the crown. Both Whigs and Tories, suspending their mutual animosities in the moment of common danger, were obliged to confess: That though the wants of individuals discovered the necessity of government, yet the different modes of it, which have been discovered in different countries and which were the result of accident or design, were not consequently founded in natural right: That those expedients which at length acquired the appellation of constitutional maxims, and which public wisdom framed for the general benefit, must at all times be understood and regulated according to the ends for which they were designed; since otherwise the

utility of them might be sacrificed to the means : That nations, being composed of numerous individuals, who in their associated state possess the natural rights of men, must in the same cases of urgent necessity be entitled to the same powers for defence and preservation in the aggregate body : That from the plainest impossibility the people at large can neither deliberate nor act, except in their corporate capacity, which under the English constitution is vested in the different estates in various proportions : That as in these the power of the whole is invested all rules of mere positive institution must necessarily be subject to its controul : That as the representative of one estate had deserted his station and relinquished his high office, the power of the whole devolved on the other two for the purpose of reëstablishing the energy of government, because it was necessary at the unparalleled conjuncture. Such were the wise and salutary principles by which the rectitude of the mighty event beforementioned was defended, on which the present establishment was erected as the firmest foundations. These maxims were confirmed, and the rights of the nation declared<sup>4</sup> at the same time that the crown was tendered to the Prince and Princess of Orange ; while they accepted the one, the others they affirmed : And the prerogatives of the prince and the rights of the people were in future enjoyed under the same positive law which insured both.

But though the Prince of Orange had thus acquired possession of the throne of England he derived not thereby any title to that of Scotland, because, both nations being equally sovereign and independent, the rules prescribed by the one enforced no obedience in the other. The same arts which had been used to procure the unanimity of the English were soon successfully employed to insure the concurrence of the Scotch in a similar measure. The voice of the people sent to the Convention such members as favored the views of William, because the interests of both on that occasion happily coincided. This extraordinary assembly, unem-

barrassed by the verbal disputations of the English, so unworthy of men contending for their rights, soon resolved in language, which shewed equally the former oppressions and present disposition of the nation: "That James 2d by his evil deeds had forfeited his right to the crown." The scepter which had been thus struck from the hand of that deserted monarch was instantly tendered to his fortunate rival, accompanied with such conditions as the same authority had a right to prescribe. While the great were busied in promoting their various interested projects, men of discernment remarked: That as neither James 6th, nor his posterity had abdicated the government of Scotland by assuming the command of a neighboring kingdom, the late relinquishment of James 2d of his authority in England did not affect his Scotch prerogatives: That the transcendent power which now deprived him and his posterity of their hereditary titles might with equal propriety have given them to strangers to his blood, or recognized the continuance of his rule. Ages have applauded the wisdom of a choice, which paved the way for a subsequent union of interests and affections, that have been successively strengthened with an anxiety which shewed the importance of them.

Meanwhile though the Convention of England had recommended Ireland to the care of William, he resigned it to a neglect, which soon produced embarrassments that he found sufficient cause to regret. Not only the inhabitants, but Tyrconnel, the Lord Lieutenant, seem to have been ready to acknowledge the title and to obey the commands of their new sovereigns, had any rational measures been adopted to procure the one or to enforce the other.<sup>5</sup> Entirely occupied with the factions of England, or with the foreign politics which continually floated in his mind, that prince would neither listen seriously to the informations brought him from Ireland, nor attend to any proposals that were made him for its reduction: Reflecting probably that the dependencies of England must follow her fate, or temporizing per-



haps because he knew his own weakness. But though he at length sent Colonel Hamilton, a known partizan of the abdicated King, to practise on the hopes and fears of Tyrconnel, it appears not that any official notice of the recent transfer of the Crown was transmitted to him, or any formal demand made either of recognition of the present government or resignation of his former authority. A declaration<sup>6</sup> indeed was issued in February, 1689; warning the crowds of Irish who had rushed to arms of their danger; and requiring them to retire peaceably to their homes, on pain of being considered as rebels, of being deemed answerable for the miseries of their country. It was the arrival of his competitor in Ireland, during the subsequent March, attended by many nobility and gentry, who adhered to his fortunes, and a few French officers, that roused the attention of William when it was too late. Tyrconnel had now taken a decided part in favor of his late master, and had pursued the most vigorous measures for putting his government in the most respectable state of defence; because he deemed the offers of William unsuitable to the extent of his ambition. Were we to judge of the sentiments of men by the complimentary addresses which were poured upon James, from all ranks of people, we ought to consider the felicity of the Irish as absolutely completed by the presence of him whom they deemed their king.<sup>7</sup> Yet the happiness of this prince did not keep pace with the festivity of the multitudes, who now rejoiced at his arrival. And notwithstanding his aversion to popular assemblies, he was constrained to convene a Parliament in May 1689. The proceedings of this assembly have been transmitted by historians as specimens of the frantic acts of despair rather than the sober deliberations of legislation. Exulting in the presence of a king, and transported with "*the prospect of independence of England.*" among other extraordinary laws it passed one "containing a recognition of his title, and an abhorrence of the usurpation of the Prince of Orange;" another "declaring that the Parliament of

England cannot bind Ireland, that no appeals ought to be allowed to her judicatories."<sup>8</sup> In addition to the circumstance of his being aided by a *French force*, nothing was there now wanting to render James completely unpopular in England, because he wounded her pride, while he struck at her rights. And the English Parliament, actuated partly by their antipathies, but more by a laudable desire "to assert the Sovereignty of the Crown" not long after declared :<sup>9</sup> "That the convention of persons lately met at Dublin, and pretending to be a Parliament is a rebellious assembly, and its acts illegal and void." To establish the validity of the very different laws of those memorable assemblies, the war of Ireland was commenced. After various events, which entailed innumerable miseries on this island, and which are now known to every one, the capitulation of Limerick, concluded in October 1691, at length decided the contest for preëminence, and established the former government of England. Happy had the terms of that famous pacification been adhered to with an attention and rectitude equal to the bravery with which they were won.

Nothing can enable us to form a truer judgment of the nature and extent of the genuine authority of the Parliaments of England, of Scotland, and of Ireland, than the short notices before mentioned. Though the former had alone decided on the necessity of a Revolution, and transferred the scepter to other hands more worthy of it, these resolutions did not affect the determinations of the second: But the decisions of the first were absolutely conclusive with regard to the various English dependencies, and all subordinate legislatures were bound to obey them. When it was once declared that the throne was vacant by the abdication of James, he ceased to be the King of Ireland, and became an alien to its people and its laws. The moment *legal notice*<sup>10</sup> was communicated to the Lord-Lieutenant of the demise of the crown by the accession of William and Mary, it became his duty to announce an event so

interesting to every one, and to submit to the authority of his new Sovereigns by the administration of the government in their names. The late King could thenceforth no more interfere in the execution of the laws than any other monarch of Europe. And we may now in the remarkable words of Parliament<sup>11</sup> infer: "That as the Kingdom of Ireland was annexed to the Imperial Crown of England, all persons in Ireland that did not submit to the government thereof were rebels and guilty of high treason."

If from Ireland we turn our views to the other provinces of the Empire beyond the Atlantic, we shall behold a very different scene, because they were animated by a very dissimilar spirit. The prince of Orange was no sooner requested to assume the direction of affairs than he fixed his attention on the Colonies, for the happy state of which he professed a particular care. He was not ignorant that the late King in the midst of his anxieties had given them notice of the intended invasion from Holland; and he thought it prudent to communicate the best intelligence of the event of it.<sup>12</sup> He wrote circular letters to the various governors; directing that all persons "not being papists," lawfully holding offices civil or military shall continue to execute them; requiring justice to be administered as formerly; and commanding all degrees of men to support their authority.<sup>13</sup> But the characteristic reserve of that prince appears in this transaction extremely conspicuous: He did not mention the name of the late King lest he should admit his authority or recall the attention of men to the unfortunate, which generally solicits their pity: Nor did he direct the colonial governments to be administered in his own name, lest he should have assumed a power that did not yet belong to him. And by giving general directions he left the several governors to follow the dictates of their peculiar inclinations. As there was no demise, since there was yet no transmission of the crown, they acted on that uncommon occasion it should seem in strict conformity to law, when

they continued the administration of affairs in the name of the abdicated monarch, long after he had deserted the nation and ceased to be king.

But the colonies happily did not continue long in a state of uncertainty, which proved extremely inconvenient to all, and in some produced numerous disorders that they found abundant cause to lament. The Privy Council in February, 1689, informed the governors of the accession of the Prince and Princess of Orange to the Crown of England and *of the territories to the same belonging*; directing them at the same time to proclaim William and Mary according to the form inclosed with the requisite solemnities on the like occasion. The royal pleasure was signified that every one should continue in office till further orders. And copies of the new oaths to the government were transmitted with directions to cause them to be administered in the place of the former oaths of Supremacy and Allegiance.<sup>14</sup> Tidings however of the extraordinary change in England, though imperfect in proportion to the distance, soon reached Virginia. And there were not wanting numbers, who, forming their opinions from what they wished, flattered themselves, that as there was no longer any king in England, there was now no government within that dominion. The interested with their usual industry spread reports the most incredible, which the multitude believed with their wonted credulity. Being told "that the papists of Maryland and Virginia had machinated to introduce foreign Indians to destroy the protestants" this story, however groundless and wild, while it awakened former jealousies, so terrified a people accustomed to Indian massacres that they ran to arms with the promptitude of men urged by a mixture of hatred and fear. Though this rumor soon appeared to be groundless, others equally void of foundation sprung up in succession, and agitated a credulous people. The prudent vigilance of the council and principal inhabitants for the present extinguished the spark which began to kindle. But their utmost exertions could not long

have prevented what had been only smothered from blazing out anew, had not the orders before mentioned been timely received, "which gave a check to unruly spirits." William and Mary were accordingly proclaimed, in April, 1689, "Lord and Lady of Virginia," with the same readiness and acclamations as if they had succeeded by a course of descent long foreseen, and universally approved.<sup>15</sup> We may thence date the demise of the crown and a variety of important consequences. The allegiance of the colonists was transferred without their consent from their former prince to their new sovereigns by an act of Parliament which gave those monarchs the power to command, and obliged every subject to obey; in their names every act of government was now performed; all yielded willing obedience to an administration, which was agreeable to the inclinations of the people, under the highest penalty known to the law of England: And the repose of the colony was once more established, with the usual blessings which flow from internal tranquillity.

Had the same official orders been transmitted to Maryland by the same fortunate conveyance they had probably prevented a civil war with its attendant evils. But Lord Baltimore and William Penn, having appeared before the Lords of the Committee of plantations on the 18 of February, 1689, "were informed that it was expected of them, that they should cause their Majestys to be proclaimed in Maryland and in Pennsylvania:" Both promised to obey any commands from that board. And soon after the same orders and proclamations as had been sent to Virginia were delivered to them by the Privy Council.<sup>16</sup> But the letters which they transmitted owing to the irregularity of conveyance during those days, were never received. The rulers of Maryland, actuated partly by their regard to forms but perhaps more by their principles, did not think themselves authorized by the example of their neighbours to proclaim the King and Queen. Though this conduct may have been more strictly legal than altogether

prudent, a different proceeding, however inconsistent with rigid duty, had been extremely acceptable and recommended to favour. Meanwhile intelligence of the designs in favour of the Prince of Orange having found its way into Maryland, men of active tempers prepared to draw from the distractions of England those advantages to themselves which had been at all times done on similar occasions. On the pretence that three thousand Indians had invaded the province, as early as the 25th of March, 1689, Colonel Jowles requested the Deputy Governors to send him arms to enable the people to repel the invaders of their country. Darnel, one of the governors, repaired himself soon after with a becoming spirit to the supposed scene of action: And finding the inhabitants in arms offered to lead them in person against the enemies of their peace. But though various rumors were traced, which many believed and more affected to do so, "upon the most diligent search no Indians anywhere appeared." The apprehensions of the multitude being now in a great measure removed the country enjoyed till the 16th of July its accustomed repose. The sagacious now suspected what was undoubtedly the truth: "That the whole had only been a contrivance of designing men who under this pretence wanted only to raise an insurrection."<sup>17</sup>

The President of Virginia in the meantime informed the Ministers of England, that the King and Queen had not been proclaimed in Maryland. It was to no purpose for Lord Baltimore to affirm that he had transmitted express orders for that purpose: With a promptitude equal to the importance of the business, he was ordered in August, 1689, "to send duplicates of his letters by a special messenger at his own expense." The same orders were then given to Penn. And in the vehement spirit of those times both were threatened with the loss of their charters by a Parliamentary inquiry into the nature of their rights and the rectitude of their administrations.<sup>18</sup> Yet these orders were unhappily transmitted too late to preserve Maryland from

the miseries of anarchy, the proprietary government from destruction, and his private rights from invasion. As usual in times of high passion the length of delay added proportionably to the anxieties of the people; whose minds were extremely inflamed by the repetition of stories which had been often proved groundless, and which were again believed, because they were repeated. The various endeavours of the governors to silence clamour and to preserve peace were turned against themselves by the arts of their opponents, because during the season of discontent the multitude readily believe whatsoever is reported of their rulers. Various insurrections broke out in Maryland during July, 1689. And John Coode, a man of abandoned principles, who had been formerly prosecuted for seditious practices, marched with seven hundred men to St. Mary's, the capital, and easily seized the State-house; since a guard of a hundred men, commanded by Colonel Digges, refused to defend it, because they were animated by the same spirit. The Governors endeavored in vain to raise the militia, who considered the insurgents as friends whose intentions were to preserve the country from the savages and papists and to proclaim the King, rather than as enemies to be feared. Observing how much the minds of all were terrified with an apprehension of the Indians, they offered to appoint Colonel Jowles, now the second in command to Coode, general of the militia. They offered a pardon to those now in arms on condition of their returning peaceably to their private affairs.

But they soon found what James had sadly experienced in England, that when the confidence of subjects is withdrawn a falling government meets with few supporters. Jowles declined a command which he perceived was not offered from good will, and which he already possessed from a very different title: The people were persuaded to regard the offered pardon as an insult rather than a favour, because it supposed that they had committed a crime. With an alacrity that during insurrection is always decisive, Coode marched against

Mattapany-house, which the governors possessed with a small garrison : And refusing all personal conference in the hearing of his army, because he foresaw that it might make an impression on the multitude, often prone to pity the unfortunate, he compelled them on the 1st of August, 1689, to accept the terms dictated by himself: He promised them security for their estates, and protection for their persons; which however were afterwards little regarded, because men who depart from strict duty in their zeal for innovation generally prove faithless.<sup>19</sup>

Having obtained the object of their wishes, the leaders of the insurgents assumed the reins of government which they had thus snatched from the hands of the Proprietary deputies. They immediately published a declaration of the reasons for this conduct, because they were conscious that it would appear extraordinary to the neighboring Colonies: This paper was plainly drawn by the hand of party, and contains among a great variety of motives two which in the present times must appear very singular; that it had been held criminal to assert the Sovereignty of England over this province; that the ill-usage offered to the King's officers of his Customs shewed the bad designs of the government. A convention of the freemen was assembled on the 24th August, 1689, notwithstanding several of the counties refused to send deputies, because they disapproved of the measure. It however immediately ordered the names of William and Mary to be used in all future public proceedings instead of that of Lord Baltimore, whom it now deposed, because it deemed him no more entitled to obedience. It appointed naval officers for the collection of the usual revenue. And it levied ten thousand pounds of tobacco, which were given to the soldiers as a reward for their late services in effecting the revolution. While bounty was thus conferred on friends, punishments were inflicted on opponents. And many were imprisoned, notwithstanding the late capitulation, for no other reason, it should seem, than that



they did not approve of the present system of government. Forgetting that all its present importance and power were procured chiefly by practising on the credulity of the multitude, it now complained bitterly of malicious reports; so apt are men to condemn the same arts in others which themselves have used. Having appointed a Committee of Secrecy, it proceeded with the accustomed unfairness of all partial inquiries to establish the truth of a popish-plot, which never existed but in the stories of the factious; in order to inflict a mortal wound on the proprietary government: Thus like the zealots of England with regard to the birth of a son to James, placing the Revolution, which they had achieved in favour of the Sovereignty of England and the protestant religion, that ought to have been founded on the natural and social rights of men, on a basis which disgraced it, because it was false and unstable. It is remarkable, that there was neither evidence nor resolve to evince that the Deputy Governors had received the orders of the Privy Council for the proclamation of William and Mary; though the proof of this fact, by fixing on the objects of their hate the guilt of high treason, would have at once ruined them, brought on the forfeiture of the charter, and justified the conduct of the insurgents in the eyes of the world and in notion of law. But this important circumstance is not mentioned, because it did not exist and the use to which it might have been applied seems not to have occurred: The leaders of the Revolution had sufficient inclination but were destitute of talents. The convention transmitted loyal addresses to William; congratulating his accession and begging for approbation and favour. It communicated to the neighboring colonies the reasons of its late conduct, and solicited mutual friendship. And it appointed Coode, who possessed nothing to recommend him but his zeal, commander-in-chief of the province, as a reward for his forward services.<sup>20</sup> Information of all these interesting transactions reached London in December, 1689. The lords of the Com-

mittee of plantations, after perusing the letters transmitted to Lord Baltimore, and the addresses of the Convention, approved of the conduct of those who had seized the government and proclaimed the King and advised that they should be directed to continue the administration in the King's name till the royal pleasure should be known. William approved of an advice so consistent with his temper and his views.<sup>21</sup> But he lived to experience mortifications and anxieties, which probably made him regret, that he had disturbed the reigns of his two predecessors, though to gain a crown, that he now countenanced proceedings which deprived an individual of his rights and offered a dangerous example to posterity, though to acquire the government of a province.

Actuated by that laudable spirit of peace, which is so respectable even when productive of inconvenience, and animated by the principles of William Penn, whose attachments to the late King are sufficiently known, the Pennsylvanians continued the administration in the name of James long after his power had vanished. And the consequences either good or evil, which resulted from this circumstance were so little felt or resented in England, that history and records are silent with regard to the precise time when the kingship of William and Mary was first recognized in Pennsylvania.<sup>22</sup> Yet the proclamation of these monarchs was of more real importance here than in Maryland. The charter of the former had not established a palatinate and thereby invested its proprietary with royal rights: That of the latter had conferred the honour of both. In the first the powers of government had been executed from the beginning in the name of the King: In the other the appellation of Baltimore was substituted for that of the Sovereign in all public proceedings. In Maryland therefore the proclamation of William and Mary would have had no other perceivable effect than to give notice to the people with regard to whom they owed their allegiance: And no provincial commissions were vacated

by the demise of the Crown, because they had not derived their existence or vigour from the royal authority. The peaceful prudence of Pennsylvania prevented those animosities which the revolution of Maryland long entailed on her, and saved a waste of treasure that she long felt, and complained of. And while the one province was sunk into that lifeless state of inaction, which necessarily results from great public convulsions, the other extended her commerce, encouraged domestic industry, and engaged in every pursuit, which tends to make a country wealthy and great.

If from a colony remarkable for quietude we turn our attention to one generally noted for turbulence we shall perceive the successful result of projects deeply laid and ably conducted. Mather and other agents who had appeared in England in the beginning of the year 1688, and who agreeably to instructions requiring them "to take advantage of times and of circumstances for the good of New England," had derived every benefit from the infatuation or favour of James 2d, beheld now with satisfaction the approach of the prince of Orange in October, 1688: They rejoiced in proportion as they saw that their beloved Massachusetts must gain whatever might be the event of his expedition. When the friendly admonitions of Lewis 14 at length roused James from the dream of security into which he had been lulled by the insidious counsels of Sunderland, he gave notice of the intended invasion to Andros, the governor, by a circular letter, of the 16th of October:<sup>28</sup> Requiring him in a magnanimity of language, which his future conduct shewed he was unable to support, to repel the invaders of the extensive dominion committed to his charge. By the same opportunity the agents not only transmitted the result of their solicitations, but informed their friends of what they saw and heard; and warned them to prepare the minds of the people for an interesting change. The vessel which carried all these different dispatches arrived at Boston in the beginning of January, 1689.<sup>28</sup> Unrestrained by winter severities

from defending his province against the dangerous incursions of the Indians, Andros was then at Pemaquid on the extremity of the Eastern frontier, performing all the duties of a vigilant officer. In pursuance of his orders he issued on the 10th of January a declaration; reciting the commands of his Sovereign, requiring "all persons to be vigilant upon the approach of any fleet or foreign force and to prevent an invasion."<sup>24</sup> But he gave commands in vain to men, whose minds had been long alienated equally from their Sovereign and his representative whom they abhorred as the author of their ills, and whose zeal would have prompted them to receive those proscribed invaders with acclamations as allies, rather than with enmity as foes. In conformity to the suggestions of the agents, a variety of rumours were scattered among the vulgar: Now, that King James had fled to France and there died of vexation. Anon, that the Prince and Princess of Orange had been proclaimed King and Queen of England.<sup>25</sup> And Andros unsuspecting that the train was laid to the mine which was so soon to blow his government in air, remained meantime at Pemaquid till towards the end of March; when he returned to Boston, in consequence of the reports that had reached him: Leaving the frontiers in a respectable state of defence.<sup>26</sup>

Meanwhile, the Prince of Orange with a view "to preserve the peace of New England to prevent the inconveniences that might otherwise arise," wrote to that governor on the 12th of January, 1689; commanding that "all persons then lawfully possessed of any office shall continue as formerly; that all orders lately given by legal authority shall be fully obeyed till further directions." Mather and the other agents, saw and dreaded the consequences of this prudent measure, which appeared so fatal to their schemes; and they hastened to prevent the transmission of an order, that would have involved their constituents in considerable difficulty; because it had reduced them to the dilemma of either submitting for a few months longer to the government

of Andros, or of overturning his authority though supported by the Prince. Accordingly "upon the application of Sir William Phips and Mr. Mather the letter was countermanded."<sup>27</sup> To these men's interested intrigues New England owed much of the misery which soon after ensued: To them were in a great measure to be attributed the Indian irruptions that followed, the blood which was spilt and the devastation of the country; because the leaders of the insurgents disbanded the army which Andros had wisely placed for its defence. The instant the new King and Queen were placed on the throne the Committee of plantations prepared a letter for the governors of the several colonies; directing them to proclaim their new Sovereigns and to continue all officers till further orders.

William approved of all except only of that for New England; the further consideration of which he postponed till the business of taking away the charters should be considered."<sup>28</sup> Encouraged by these successes and by the favor of Mary, which had been dexterously gained before her departure from Holland,<sup>29</sup> Phips and Mather presented a petition on the 20th February; praying "that the colonies of Massachusetts, New Plymouth, Connecticut, and Rhode Island may have their charters restored; that their magistrates may be permitted to take upon them the government as formerly."<sup>30</sup> But the committee of plantations to whom this application was referred, having heard as well the agents by their counsel as Sawyer the late attorney-general, who had been ordered to give an account of the cancellation of the charters, reported two days thereafter; that a governor should be forthwith sent to New England in the room of Andros, with a provisional commission and with instructions to proclaim the King and Queen; that such a further and lasting establishment should be prepared for it as shall preserve the privileges of the people and such a dependence on the Crown as shall be thought requisite." Actuated however by secret influence which arose from causes that

may be easily guessed though they cannot be clearly developed, William disregarded the salutary advice of his ministers and in a few days commanded: That instead of a governor two Commissioners shall be appointed to take upon them the administration; that the Committee should prepare a new Charter in conformity to the before mentioned advice.<sup>81</sup> Yet, as this measure was contrary to the opinion of the Committee, as it was not pressed by the agents, because it was inconsistent with their views, and had probably been suggested by them to defeat the intention of the ministers, no Commissioners were sent: As the desire of their petition was not literally granted or rather refused, the Agents gained time for their other projects to ripen to maturity. And we shall find that the adjustment of the terms of a new charter was the work of considerable labour, difficulty and intrigue. Phips soon after sailed for Boston to give an account of all these negotiations and to suggest future measures.

While these transactions passed in England, the seeds of innovation had been sown in Massachusetts with a liberal hand. As vessels frequently sailed from Holland directly to Boston during the winter, the leading men received regular notice from their correspondents of every event in Europe.<sup>82</sup> And they circulated their informations on their fictions as best suited the conjuncture and their views. Being at length assured of the rapid tide of success which had run in favour of the Prince of Orange and the minds of all being now wound up to a painful state of anxiety, the spark which had been so carefully fanned blazed out into insurrection on the 18th of April, 1689. The men who deemed it a duty to follow the patterns which had been set them in England, demanded the fortresses and the government of Andros in language which admitted of no denial; that both might be disposed of, "according to directions from the Crown of England." As in Maryland there was here no formal Capitulation and he submitted to a force that he perceived it was to no purpose to resist,

Though "promised all security from violence to himself or any of his gentlemen or soldiers, in person or estate," they were all imprisoned; though they offered bail, the distinguishing privilege of Englishmen, they were detained in rigorous confinement, till relieved by the command of William, in the beginning of the subsequent year,<sup>33</sup> because the spirit of insurrection is always jealous and severe. The government of Andros being thus overwhelmed and a royal frigate and the forts secured, the helm was seized by those who had chiefly raised the storm, under the famous name of "a Council of safety." But William and Mary were not proclaimed. Though their names had been borrowed to delude the vulgar of every denomination, their interests were now little regarded by any, because the Revolution at Boston was achieved with very different intentions than had been that of England: The acquisition of power was the great object of both; the one however was to obtain independence, the other a Crown. The Council soon requested an assembly to meet in the subsequent May. But during this anxious interval the people were distracted by altercations with regard to the nature of the administration which should be then adopted. Zealots clamoured for a resumption of their ancient form: The moderate insisted "that things should continue as they were till they received directions from the King and Queen of England." Influenced, however, by their ministers, ever prone to violent counsels, the great body of the people instructed their representatives in favour of the former project. And when the Delegates convened on the 24th of May, they therefore resolved, "to settle a government according to charter-rights and to patent-privileges."

In support of this important determination they reasoned: That since there is a necessity for civil government, without which they could not enjoy safety or peace, since the method of settlement lieth wholly at this conjuncture in the voice of the people, the reëstablishment of that civil jurisdiction, which in former days

they had rejoiced in, was correspondent to the noble undertaking of the prince of Orange in the late settlement of affairs in the renowned English Nation. Agreeably to those independent views they declared the aged Bradstreet governor, the experienced Danforth, Deputy governor, and those persons assistants, who had been chosen in the year 1686, under their pristine constitution; requesting them to take the present care of the people, according to ancient custom: And it was finally resolved that this method of government shall be found among them when orders should arrive from the higher powers in England.<sup>34</sup> In this concluding resolve we at length perceive the real designs of the Agents: That there might be no obstacle to the favourite object of their hearts they had carefully prevented the transmission of the orders of the Prince to Andros, and of that official notice of the demise of the Crown, which it was the duty of the privy council to announce to every province of the Empire.

The convention on the 20th of May framed an Address to William, which exhibits a fine picture of its embarrassments between its principles of independence on the one hand, and its dread of dependence on England, "to which it stood so nearly related," and its fear of offending the higher powers, on the other: The address gives an account of the steps that had been pursued to accomplish the revolution; it speaks to that monarch both as Prince of Orange and as sovereign of England: And it is silent with regard to his proclamation in Massachusetts.<sup>35</sup> A vessel which arrived from England on the 26th of May, brought a full confirmation of the final settlement of the affairs of that Nation. And now the insurgents perceived their hopes of the establishment of a commonwealth wholly cut off, which they lamented in proportion to the vehemence of their zeal, because they had been taught to believe that the views of the prince of Orange had been the same with their own, yet William and Mary were not even now proclaimed. Three days thereafter Sir William Phipps



at length arrived at Boston.<sup>36</sup> He gave complete information of the zealous proceedings of the agents for the service of their country. While he destroyed the little hope which was still fondly entertained by some, because "the first intelligence induced them to expect a reestablishment of government in the old form," he convinced them of the necessity of making their sentiments of freedom bend to the circumstances of the times, since their future favour and expectations from England depended entirely on their declaring explicitly for the Revolution by formally proclaiming the King and Queen without further delay. On the same day the proclamation was accordingly made in Boston, with more than usual ceremony.<sup>37</sup> And the unconcerned remarked; that the present affectation of joy and pomp were in proportion to the disappointment of their late hopes, and of their expectation of events to come. The general Court again convened, after a new choice of Delegates on the 5th of July, 1689. And it was resolved once more; that affairs should be conducted "according to the charter, till orders should be received from England." Two days after it voted an address to William and Mary; congratulating their accession; informing them of their joyful proclamation; and praying for a restoration of the ancient government. The felicitations, as well of the late convention, as of the present general Court, were presented to those monarchs in the subsequent August: And as the defects of the former were overlooked during their attention to the compliments of the latter, they were received with more than common expressions of grace.<sup>38</sup> Men of discernment however observed that William by his inattention to essential irregularities of conduct gave countenance to a spirit that sapped the foundations of the throne on which he then sat. Orders were instantly given "for a letter to be sent to the government of Boston: signifying the royal approbation of their *readiness* to proclaim the King and Queen; and empowering those now in power to continue the administration in their names till orders

should be given for the settlement of government."<sup>39</sup> But tidings of the Revolution at Boston had in the meantime reached London. Ensign Rigg, a special messenger, had arrived on the 16th of July with Dispatches from Lieutenant-Governor Nicholson, at New York; informing the Lords of the Committee of plantations of the imprisonment of Andros, and of the disbanding of the troops. Various petitions were immediately presented on behalf of the prisoners. And on the 29th of July, a royal letter was transmitted to Boston; commanding that they should be sent to England to answer what might be objected against them.<sup>40</sup> The Commissioners of the Customs having soon after represented to the Committee the irregularities of the trade of New England, a royal mandate was sent thither, "to admonish all to observe the acts of navigation."<sup>41</sup> The former was obeyed after some delay, because it gratified the spleen of the people: the latter was disregarded because it did not their interest.

Meanwhile the new rulers at Boston distracting their own authority, though it had been conferred by the people, guided the helm committed to their charge with feeble and unsteady hands. Their authority was impugned and derided, because it was perceived that they doubted their own powers. And crimes of every kind, which never fail to result from public commotions prevailed to so great a degree, that they at length thought it necessary "to draw the sword of justice against them." Bradstreet, the governor, apologized for this conduct in language which shewed how much he feared giving "offence to his Majesty."<sup>42</sup> Yet rigid moralists, who doubted the authority of human judicatories to put fellow-men to death, exclaimed; that the execution of criminals by a jurisdiction so extremely questionable could be considered only as legal murders. When the royal letter before mentioned arrived at Boston, on the 4th of December, 1689, the governor and council considered it, as an explicit confirmation of their authority, and endeavored by a pious trick<sup>43</sup> to

give it the force of a charter under the great seal, which the multitude had been so often taught to expect, as the ultimate reward of their own violence and of their agents' intrigues. The domestic troubles being at length calmed the colony continued to be ruled "according to ancient forms," till the arrival of a new Charter some years after.

The other plantations of New England had long regarded Massachusetts as a pattern on all difficult emergencies, because she was considered as the most powerful, perhaps as the most sanctified. As the insignificant province of New Hampshire had never enjoyed the pleasures of a formal patent, she in some measure sheltered herself under the wings of her potent neighbour and waited patiently for the decision of her fate from England. New Plymouth, Rhode Island and Connecticut, considering the imprisonment of Andros as an emancipation from bondage, instantly reestablished their ancient governments, because they were urged to this measure by the persuasions of the leading men at Boston, who wished for the countenance of numerous associates in the same cause. Actuated by their hopes of future benefit, rather than by attachment to their cause, they in due season proclaimed William and Mary and transmitted addresses; professing their loyalty and begging for approbation of their conduct and confirmation of their patents.<sup>44</sup>

But to these little attention was paid, because no agents interested themselves on their behalf and the objects of their prayers were never obtained, since they were never properly asked. Yet still anxious with regard to the validity of Charters which they insisted had neither been formally surrendered nor legally taken away Connecticut and Rhode Island consulted Ward and Treby and Somers, who concurred in opinion "that such a submission as is put in this case" doth not invalidate the patents.<sup>45</sup> And under the authority of the opinion of these eminent lawyers they enjoyed them to the present times, though not without a variety of future

attacks. Inhabited by a different people, who were animated by very dissimilar principles, New York ardently regretted her conjunction with New England, because she felt her degradation, and she had unceasingly begged for disunion, since she wished to enjoy the pleasures of separate government. The dissolution of the administration of Andros confirmed the hopes which the invasion of the Prince of Orange had raised, and all men looked forward to the day when they should be disjoined from a hated rival as the consummation of their happiness. When Lieutenant-governor Nicholson's dispatch of the 15th of May, 1689, was received by the ministers of England, informing them of the revolution at Boston, and of what he dreaded from what he saw, the royal orders were transmitted commanding him, or those who for the time preserved the peace, to proclaim the King and Queen, and to continue the administration in their names. But before these were received the contagion of change had extended its unhappy influence from New England to New York and produced similar innovations though on principles extremely different. The insurgents of the latter actuated by the zeal of partizans, rather than by the interested caution of the ambitious, declared at once for the Prince of Orange, seized the fort in his name, and avowed their resolution to hold it for him till demanded by his authority. Equally attached to him and monarchy the people of this colony differed only in their manner of shewing their affections, and William and Mary were again and again proclaimed with every demonstration of unfeigned joy. Nevertheless experience seems to have decided in favour of the sentiments of those, who, dreading all popular innovations, because genuine freedom is but too often injured by them, contended for waiting in quiet till official orders from the governors of England for their final settlement should arrive. New York long groaned under the complicated miseries which never fail to result from a government conducted by weakness, intemperance, and bigotry.<sup>46</sup> And the usurpations of

Leisler and of the rulers of Massachusetts concluded in a manner directly the reverse of each other; the one unhappily, because it had been guided by the hand of folly; the other successfully, because it had been conducted with singular talents and address.

The Jerseys copied the peaceful conduct of Pennsylvania, because they were inhabited by a similar people, rather than the frantic proceedings of New York while ruled by the fanatic Leisler; and waited in tranquillity the decision of their fate from the government of England. As the Proprietors of East-Jersey had formally surrendered their powers of government to James 2d, as the greater number of the Proprietors of both the Jerseys were attached to his interests, because they were Quakers, they hesitated long with regard to the Course they should follow. From June, 1689, to August, 1692, there existed in these provinces no perceivable administration. And William and Mary were not proclaimed, because their enterprize had wounded the prejudices of the people.<sup>47</sup> Yet if their singular choice has afforded fewer materials for history than the extraordinary exertions of their neighbours they were not divided by those factions, which long embittered the spirit and distracted the attention of the others. And the prudence of the former for some years profited greatly of the folly of the latter.

Already under the dominion of anarchy, the Carolinians seem to have little regarded the intrigues which placed William and Mary on the throne and transferred their allegiance, because they were unsuitable to their views. And no sooner did their Proprietaries transmit those orders and proclamations that had been given them in charge by the Privy Council than their new Sovereigns were announced with a promptitude and joy, which shewed how little they had interested themselves in the affairs of England.<sup>48</sup> Yet as the officers of government had derived their authority from the Proprietaries in whose names all legal proceedings were con-

ducted that extraordinary demise of the Crown made no perceivable change in Carolina.

Of all the English Colonies, Maryland and New York alone acknowledged the title of William and Mary by express laws.<sup>49</sup> When in after times the Assemblies of both regularly convened, they passed "*acts of recognition*" declaring: "That their majestys were and of right ought to be by *the laws of the realm of England*, their sovereign liege lord and lady, King and Queen of England, and *the Dominions thereto belonging*." That conduct of the other Colonies, which we have so lately reviewed, spoke a language equally explicit and decisive, though without the compliment of legislative acknowledgement. The laws of England then gave a sovereign lord and lady to the Colonists, because they were English subjects: Yet no assemblies were called to determine on propriety of transferring their allegiance; no consent was asked: All were concluded by the memorable resolutions of Parliament, in which the will of every Englishman was then supposed to be contained. For in the judgment of those days, and of those Colonial assemblies, the moment the transmission of the Crown was decided by the Sovereign legislature and that decision was properly made known, it followed by necessary inference that in judgment of law William and Mary "became thereby rightfully invested with the royal dignity and jurisdiction," within the various territories of the Empire. And this flowed from the just consideration, that since there could be only one authority in the state, invested with sufficient power to determine that momentous question; "*whether James had relinquished the government*," all her subordinate dominions must be necessarily concluded by its resolution. Yet Ireland and Massachusetts of all the English provinces either denied the wisdom or doubted the validity of the memorable decision before mentioned. The former animated by the presence of the person who had once held the scepter of Irish monarchy, declared in favour of James in opposition to that vote of abdication which

had placed William and Mary on his throne, and contended with arms for that Independence which superior force could alone establish. The latter actuated by similar motives resolved: "That the settlement of its affairs lay wholly in the voice of its people;" though it incongruously admitted at the same time its dependence on England: Never reflecting that the spirit of this Resolution would have justified those men to continue themselves subjects of James to choose any other king, or to erect a sovereign state. And the convention did establish an independent commonwealth, which exerted every act of sovereignty from the 18th of April to the 29th May, 1689. What the supreme legislature enacted with regard to the Irish Parliament, men of rigid principles applied to the general Court of Massachusetts, during that short period of independence: "That it was an unlawful and rebellious assembly."<sup>60</sup> When we reflect, that the allegiance of the Provincials was changed; that sovereigns, who were intrusted with the whole executive power, who were invested with a substantive vote in the legislature, were imposed on them, it must be admitted, that the Parliament of England, when it gave them a King and Queen exerted the highest of human authority. Yet there were not wanting wise and good men during those times, who mistaking the quality of the kingly estate, because they deemed it something divine, rather than the mere creature of social laws, and therefore like all rulers of society, subject to the controul of the legislature, disputed the sufficiency of Parliamentary jurisdiction to establish that most important change. The Revolution however hath ascertained irrevocably the nature of the constitution and the extent of the supreme power over every territory of the English Empire.

## AUTHORITIES AND NOTES.

<sup>1</sup> The misconduct of James is particularly recited in the declaration of rights. 1 Wm. & Mary 2 Session ch. 2.—<sup>2</sup> The constitutional principles on which the Revolution was originally established and hath since been defended are finely explained in the considerations of the law of forfeiture, p. 118–9, written by the late Charles Yorke; which every Englishman should not only read but study.

<sup>3</sup> On the same day that the Prince of Orange took leave of the states of Holland at the Hague James 2d wrote the subjoined circular letter to the governors of the Colonies; giving notice of the intended Dutch invasion. From Virg. Ent. 4 v. p. 229. It ought to be remembered that the Secretary who countersigned this memorable dispatch imparted the Secrets of his master to the invader of his kingdom.

## JAMES REX

Right trusty and well beloved We greet you well. We have received undoubted advice that a great and sudden invasion from Holland with an armed force of foreigners and strangers will speedily be made in a hostile manner upon this our kingdom. And although some false pretences relating to liberty, property, and religion, contrived and worded with art and subtlety may be given out (as shall be thought useful upon such an attempt) it is manifest however (considering the great preparations that are making) that no less matter is intended and by this invasion is proposed than an absolute conquest of these our kingdoms and the utter subjecting us and all our people to a foreign power, which is promoted (as we understand although it may seem almost incredible) by some of our subjects, being persons of restless and wicked spirits, implacable malice and desperate designs, who having no sense of former intestine distractions, the memory and misery whereof should endear and put a value upon that peace and happiness which have long been enjoyed, nor being moved by our reiterated acts of grace and mercy wherein we studied and delighted to abound towards all our subjects and even towards those who were once our avowed and open enemies do again endeavour to embroil this kingdom in blood and ruin to gratify their



own ambition and malice, proposing to themselves a pray and booty in such a public confusion : We cannot omit to make it known that although we had notice sometime since that a foreign force was preparing against us, yet we have always declined any foreign succours, but rather have chosen (next under God) to rely upon the true and ancient courage faith and allegiance of our own people with whom we have often ventured our life for the honour of this nation and in whose defence against all enemies we are firmly resolved to live and die : And therefore we solemnly conjure our subjects to lay aside all manner of animosity, jealousies, and prejudices and heartily and chearfully to unite together in the defence of us and their native country, which thing alone will (under God) defeat and frustrate the principal hope and design of our enemies, who expect to find our people divided, and by publishing perhaps some plausible reasons of their coming hither as the specious though false pretences of maintaining the protestant religion or asserting the liberty and property of our people do hope thereby to conquer this great and renowned kingdom. But albeit the design hath been carried on with all imaginable secrecy and endeavours to surprize and deceive us we have not been wanting on our part to make such provision as did become us, and by God's blessing we make no doubt of being found in so good a posture that our enemies may have cause to repent such their rash and unjust attempt. All which we do hereby charge you to make known in the most public manner to our loving subjects within our plantation under your government, that they may be the better prepared to resist any attempts that may be made by our enemies in those parts and secured in their trade and commerce with this kingdom. To which end you are to take care that upon the approach of any fleet or foreign force the militia of that our plantation be in such readiness as to hinder any landing or invasion that may be intended to be made within the same. And further we do require you to give all necessary directions that the ships and vessels trading from thence do either put themselves under convoy or sail in such number and fleets and take such other precautions as may best prevent their falling into the hands of our enemies until you shall receive further information from us of their proceedings with such assistance by ships or otherwise as upon occasion we shall find requisite for the safety and protection of our subjects under your government. And so not doubting of your care in all things relating to our service herein we bid you heartily farewell. From our court at Whitehall the 16th of October 1688.—By his majesty's command

SUNDERLAND.

Remark: It was afterwards made the chief charge against Andros the governor of New England by the agents of this colony that he had published this formal dispatch.

'1 Wm. & M. 2d Sess. ch. 2.—'Lel. hist. 4 v. 235-6.—' See the collection of proclamations during the reign of William.—'Lel. hist. 4 v. p. 243.—'Ib. 260-3.—'1 Wm. & M. 2 S. ch. 9.

"The Courts of Justice in Westminster hall take judicial knowledge of what king reigns over them without formal information of the decease of the person of the prince. Lord Raymond's Reports, 2 v. p. 811. But the law of England with peculiar good sense adopting it as a maxim "that no one shall be obliged to take notice when it is impossible to do so," obliges no officers of distant provinces to know anything of the demise of the crown but what is communicated by official intelligence. And nothing is legal notice of an event so interesting but a proclamation of the accession of a new sovereign, which constitutes the demise, signed by the Privy Council and transmitted by the Secretary of State. For those great ministers are responsible to the nation for any accident or negligence, because they are intrusted. And length of continued practice has confirmed the validity of this reasoning. Though we are informed "that Hamilton was sent to summon Tyrconnel to submit to the present administration," yet it does not appear that such notice as the law required had been transmitted to the Lieutenant of Ireland at the arrival of the late king. Had Tyrconnel, directed only by general report, proclaimed William and Mary, his forwardness had been extremely acceptable and probably met with reward. But as he adhered to the interests of his late master there was no accession in Ireland, it should seem, and consequently there could be no demise of the crown long after these happy events had taken place in England. For as demise necessarily imports transfer it is not the decease of the natural body alone which constitutes the transmission of the regal office: And the Revolution offers a remarkable example that there may be a transfer of the kingdom without the death of the royal person. Had the war of Ireland ended differently, discussions of great nicety might have arisen in a country governed by rigid law, with regard to the exact point of time when the allegiance of the people of Ireland was transferred from James their late to William and Mary their new sovereigns.—"1 Wm. & M. 2 Sess. ch. 9.

"Journ. Plant. Off. 6 v. p. 187-8.—"The following circular letter from William to the Governors of the Colonies will show with what anxiety he regarded their quiet and his own interest. From Virg.\* Ent. 4 v. p. 233.

William Henry by the grace of God Prince of Orange &c. Whereas upon our coming into this kingdom, the Lords spiritual and temporal, the Knights, Burgesses, and Citizens heretofore members of the Commons house of Parliament during the reign of King Charles 2d, residing in and about London and the Aldermen and Members of the Common Council of the said City in their assembly in this extraordinary conjuncture have by their respective applications desired that we would take upon us the administration of public affairs both civil and military and the disposal of the public revenue for the preservation of the peace and for other good ends and purposes in their said application mentioned; we desiring the happy state and peace of this nation and the dominions thereunto belonging and intending to promote by the best means the particular good and welfare of the Colony and dominion of Virginia and to prevent by the care and circumspection of the officers and Magistrates in that government the inconveniences that otherwise may arise; we do hereby constitute direct and appoint that all persons not being Papists who at the receipt of these letters shall be duly and lawfully possessed of or interested in any office or place of authority or government civil or military within that colony and dominion shall be and hold themselves continued in the said offices or places under the same conditions as formerly they held and enjoyed the same until other orders shall be received from England or that other provision be made in pursuance of the powers of government committed to you: And that in the meanwhile for the preservation of the state and necessary proceedings in matters of justice all the said persons in whatsoever degree or condition do not fail every one severally according to his place and office or charge to proceed in the performance of all duties thereunto belonging as formerly appertained unto them. And we do further hereby charge and require that all orders and directions lately made or given by any legal authority shall be obeyed and performed by all persons as fully as the same should have been obeyed and done according to the purport thereof until further orders aforementioned. Given at St. James's the 12th January 1688-9.

By his Highnesses command

WM. JEPHSON.

"It is apparent from the following letter transmitted by the Privy Council to the various governors how much more the Colonies were regarded than Ireland and what an extraordinary change they underwent without their consent. From Virg.\* Ent. 4 v. 236.

After our very hearty commendations.

Whereas William and Mary Prince and Princess of Orange have with the consent and at the desire of the Lords spiritual and temporal in parliament assembled at Westminster been proclaimed King and Queen of England France and Ireland and of the territories and dominions thereto appertaining we have thought fit hereby to signify the same unto you with directions that with the council and other principal officers and inhabitants of Virginia you proclaim their most Sacred Majestys according to the form here inclosed with the solemnities and ceremonies requisite on the like occasion. And we do further transmit unto you their Majesty's most gracious proclamation, signifying their Majesty's pleasure that all men being in offices of government shall so continue until their Majesty's further pleasure be known. We do in like manner will and require you forthwith to cause to be proclaimed and published, as also that you do give order that the oaths herewith sent be taken by all persons of whom the oaths of supremacy and allegiance might heretofore have been required ; and that the said oaths of allegiance and supremacy be set aside and abrogated within your government. And so &c.

From the Council Chamber the 19th February 1688-9.

HALIFAX, C. P. S.	SHEREWSBURY	MACCLESFIELD
BATH	H. CAPEL	J. BOSCAWEN
WINCHESTER	DEVONSHIRE	DELAMERE
RO. HOWARD	R. HAM'DEN.	

" The subjoined letter from the Secretary of Virginia to the Lords of the Committee of plantations shows the sentiments and conduct of the Virginians at the Revolution in their true colours. From Virg.<sup>a</sup> Ent. 5 v. p. 3.

May it please your Lordships

The duty incumbent upon the office of Secretary in this dominion, in which I have had the honour some years to serve, obliges me to give your Lordships an account of the present state of affairs, and to let your Lordships know such occurrences as have happened, viz. ; that the mutations of England have extended their influence as far as these remote dominions : For no sooner did the news of the late admired transactions arrive here, though but imperfectly noised, and that with little probability of truth, but it began to be in the mouths of the mobile, that there was no king in England, and consequently no government here. Upon this surmise followed rumours that the papists of Maryland together with those among us had machinated to bring great numbers of foreign Indians to the destruction of the inhabitants of both dominions and had

prefixed a certain time when this blow was to be given. These though false and groundless reports raised great fears and jealousies in the minds of the multitude and soon brought them together in arms to repel the supposed designs; and so great a flame was kindled by the blasts of popular breaths that if it had not been timely prevented by the vigilance, care, and prudence of some of the Council and others in the very beginning of it, must have unavoidably proved fatal to both dominions; and though it soon appeared that these rumours were vain and idle and the people in some sort quieted, yet others like hydras heads sprung up in their places to the great disquiet of the government; and it was rationally believed that the difficulties of keeping this dominion free from tumults, divisions, and depredations would have been insuperable had not the news of the happy accession of the Prince and Princess of Orange to the crown of England arrived here with orders from their Majestys most honourable privy council for the proclaiming of the same given check to unruly spirits; which proclamation was effected at James City with all possible speed and with as great solemnity as the shortness of time and the necessity of present circumstances would admit of; and the proclamations are now going forth into all counties of this dominion that none may be ignorant of it, and the great cause of their tumults—viz. the belief that there was no king in England and consequently no government here may be removed; and peace and tranquility restored and established amongst them, which that it may succeed is the daily prayer of all loyal subjects and particularly of &c.

NICHOLAS SPENCER.

" Journ. Plant. Off. 6 v. p. 147-8-200.—" Maryland Pap. vol. .—" Journ. Plant. Off. 6 v. p. 265-8-302.—" Maryland Pap. vol. .—" See an account of all these things in the same papers.—" Journ. Plant. Off. 6 v. p. 304.

" Edward Randolph, the surveyor general of the Customs in the Colonies, informed the ministers of England in February 1700-1: "That neither former governors nor Pen since his arrival here [Pensylvania] have proclaimed King William." Plant<sup>a</sup> Gen<sup>l</sup> B. p. 474. This must be understood of a *formal* proclamation; because the Quakers were enemies to pomp. For the laws had assuredly been administered for several years in the name of William and Mary. Mr. McPherson has published a paper in his secret history of England 1 v. p. 603, which demonstrates that the Quakers were universally "the friends of James 2d." The deposition of Forat among the Pennsylvania papers, and the letters from Leisler to Bishop

Burnet, among the New Jersey and New York papers, show that the representations transmitted from England on this subject to that prince were just. William Bromfield, a quaker, wrote from Ostend in February 1710-11 to Lord Dartmouth, Secretary of State: That for conscience towards God and without any self-interest he had served the late King James in his exile during his life, and would have returned to England upon the accession of Queen Anne, but had been imprisoned by means of the representations of Lord Middleton, the Secretary of the late king, though Queen Mary had nothing to object against him. He offered if he were released to shew the Queen how to attain her ends at a much less expense of blood and treasure [Paper Office]. That this man was acquainted with secrets was probably the chief cause of his misfortune. And Middleton was too well informed not to know, *that the Quakers were then deemed excellent negotiators*. The Board of Trade, in reporting to the Queen in September, 1709, the laws lately passed in Pennsylvania, observe: "That in none of the acts of this province there is any clause for renouncing the Pretender or declaring their allegiance to your Majesty: And therefore we humbly offer that your Majesty be pleased to signify your pleasure to Mr. Pen, that he endeavour to get a law passed for that purpose." Proprieties F. p. 151.

"See this, ante." Randolph's correspondence with the ministry and other accounts. N. Eng. Pap. Bundl. 5. p. 34-94.—"This proclamation which was made the chief article of complaint against Andros, because it most immediately affected the feelings of William, may be seen among the same papers.—"Captain George's letter to Pepys. Same papers, p. 34.—"There is a very particular account of the posts that he established and of the garrisons which he left, among the same papers.—"N. Eng. Ent. 3 v. p. 43.—"Jour. Plant. Off. 6 v. p. 197-8.—"See an address which was presented to Mary in Holland on behalf of New England among the same papers.—"N. Eng. Ent. 3 v. p. 200-1.—"Journ. Plant. Off. 6 vol. p. 200-4.—"N. Eng. Papers.—"Ib.—"Neal's N. Eng. 2 v. p. 242-7.—"The address is among the N. Eng. papers.—"Captain George's letter beforementioned.—"Hutch. Hist. 1 v. p. 387.—"The address and the mode of its reception may be seen among the N. Eng. papers.—"Jour. Plant. Off. 6 v. p. 247.—"Ib. 245.—"Ib. 269.—"Hutch. Hist. 1 v. p. 389.—"Randolph informed the Committee of Colonies of this circumstance and transmitted a copy of the proclamation graced with the print of the great seal, which may be seen among the N. Eng. papers.

"These are among the N. Eng. papers.—"Hutch. Hist.

1 v. p. 406.—“For these things see the N. York papers, Vol. 2.—” Proprieties B. 333-41; and N. Jersey papers, Vol. 1.—“Car. Ent. 2 v. p. 167-8-71.—“Laws of Maryland, 1692, ch. 1. Laws of N. Yk. p. 1. Of the act of Maryland just mentioned it ought to be observed, that among various other laws it was not finally considered by the ministers of England till October, 1699. The Attorney-General Trevor then reported: “That he found nothing in them contrary to law or to the Prerogative.” [Maryl. pap. D. p. 7.] Yet the assembly having found an act recognizing Queen Anne in the same spirit of zeal [1704, ch. 1.] it was among other laws referred to Sir Simon Harcourt, a lawyer of profounder judgment and deeper research, who gave it as his opinion: “That though the act of recognition was an instance of the fidelity of the inhabitants; yet in regard the said province is entirely dependent on the Crown of England and no such law has been thought proper to pass in England since her majesty’s accession, such a law is improper to be passed in the Assembly of this Province.” [Maryland Pap. H. p. 48.]

“Such are the emphatical words of the statute 1 Wm. & M. 2 Sess. ch. 9.

## CHAPTER II.

*Embarrassments of William.—He prepares for War.—State of Virginia.—Its complaints against Lord Howard, the late governor to that prince;—to the Commons.—Nicholson sent thither Lieutenant Governor.—His administration.—An Indian War begins in New England.—The conduct of Andros.—The proceedings of the Committee of Safety.—The attack on Acadie.—The French retaliate.—The expedition against Quebec.—Subsequent distress of New England.—The solicitation of a new Charter.—Affairs of New York;—and of Canada.—The five confederated tribes prepare against the French invasion.—Schenectady sacked.—Subsequent conduct of New York.—Governor Sloughter arrives here.—His administration.—Ingoldsby assumes the administration after his death.—State of the Jerseys;—of Pennsylvania.—Affairs of Maryland.—A change of government.—Copley appointed governor.—Condition of North Carolina.—Distractions of South Carolina.—Ludwell appointed governor.—His administration.—Is succeeded by Smith.—His prudent advice to the Proprietaries.*

NO sooner had William thus acquired possession of the throne of England, and with it the government of her various dominions, than he discovered what seems not to have been foreseen during the flutter of expectation, that the one was encompassed with danger, that the exercise of the other was attended with vexation. Those factions which common danger had rather allayed than extinguished, soon revived, because many were dissatisfied with their own conduct, and more were disappointed, since every one could not be gratified. In return they thwarted the measures of the prince whom they had just invested with the power to command, because disappointment necessarily begets opposition.



And he found the Crown sit uneasy on his head, because though supported by positive law it was not upheld by that best of all securities the affections of the people. To domestic infelicities were superadded the apprehensions of foreign war, which he foresaw was inevitable, which perhaps he encouraged. The late king was not only received by Lewis 14 with the cordial affection of a friend, but with those assurances of effectual aid, which proceeded no less from his attachment to the one prince, than his hatred of the other. And while the assistance of that mighty monarch enabled James to land in Ireland it afforded William the opportunity which he probably wished for, of animating an English Parliament against a Sovereign, whom almost all Europe either detested or dreaded. The moment that spirited assembly was informed, that the abdicated king had appeared in Ireland, at the head of a French force, in order to recover his former rights by means of the Irish, than forgetting its usual contentions it hastened to assure William of its zealous support in a war against France; which was soon commenced without consideration, carried on without ability or success, and ended without glory.<sup>1</sup> And the nation sadly felt those embarrassments, which every people and every individual must deplore, who engage in enterprizes beyond their abilities.

As early as the middle of April 1689, that war-like prince gave formal notice to the governors of the several plantations "of the preparations then making for a speedy war with the French king;" he warned them "to put every thing in a condition to resist any attempt of the enemy;" he assured them not only of such assistance as should render them secure, but to oblige France to make reparation for her violences: Assigning as reasons what seemed finely calculated to strike the imaginations of the Colonists and to gain their co-operation; the frequent injuries received from the French by his subjects in apparent violation of treaties; the interruption of their commerce; and the invasion of

the kings territories in America.<sup>2</sup> But the Colonies were in no condition, because they had no experience of any attacks from European foes, either to repel the attempts of enemies or to give aid to friends in the war, which was soon after declared against a potentate, no less powerful from the greatness of his resources, than for the ability of his officers and the zeal of his subjects.

Scarcely had Lord Howard the governor of Virginia, arrived in England, accompanied by Ludwell, the agent of the Burgesses, when he was called on to answer at the tribunal of his new sovereign for the oppressions committed under the authority of his late master. In March 1689, the agent complained to William: That his loyal subjects in that colony had for some years been grievously oppressed though three successive assemblies had applied to the governor and Council for relief: That the late governor had imposed various fees of office without the consent of the assembly; that he had revived laws formerly repealed, merely because the act of repeal was refused the royal assent; that he had rendered no account to the assembly of the fines and forfeitures. Having heard both parties, having received the opinion of Treby and Somers, the attorney and solicitor general, that monarch decided several questions of constitutional law against the assembly, because they were favourable to the prerogative: He declared that when a repealing law is itself repealed, the abrogated act instantly revives; that the governor and Council had sufficient power under the authority of a royal instruction to impose reasonable fees; yet with the usual policy of Courts, he adjudged that the law in question should be deemed void in future, because it was complained of; that fees lately established should be no longer demanded, because they had been found inconvenient; that the fines and forfeiture should thereafter be applied to the support of government.<sup>3</sup> But Ludwel failed in what was probably the chief end of his embassy; since Lord Howard was soon after declared governor of Virginia, as these com-

plaints were deemed questions of policy, rather than accusations affecting his reputation.<sup>4</sup> Disappointed in his hopes and dissatisfied with the judgement of his prince, Ludwell five days after appealed to the Commons of England, who then acted as the protectors of every dominion of the state. To them he presented "a petition on behalf of the Commons of Virginia;" complaining of similar grievances; and praying for relief. But though he was called on to shew his authority and a committee was appointed to hear his complaints it appears not that any redress was given.<sup>5</sup> Thus at that great era "the Commons of Virginia" were not too high minded to beg for the consideration of the commons of England, when dissatisfied with the judgement of William; to confess their superiority, since they admitted their jurisdiction, when they stood in need of their aid. Too zealous to despond because he was disappointed, Ludwell in September 1689, once more complained to that monarch of other grievances, which he asserted were equally oppressive, though the Burgesses had not formerly insisted on them, "because of the terror they were under." But it now appearing that this long list of afflictions were presented rather with a view to prevent the return of the late governor, than from a real sense of injury the present application was attended with still less success than the first. And as Lord Howard shewed no great inclination to revisit a people, who so little wished for his presence, Francis Nicholson, who had lately arrived from New York was soon after dispatched as Lieutenant governor to rule Virginia in his absence.<sup>6</sup>

When Nicholson arrived in May 1690, he discovered that the dominion committed to his charge had remained since the accession of William and Mary in profound peace; though "there had not been wanting ill-disposed persons who endeavoured to disturb its repose." News of the French and Indian devastations on the Northern Colonies having meanwhile reached Virginia, the people feared for their safety, in proportion only as they heard of

the calamities of war, from afar. The governor thought it prudent however to visit the frontiers, where an attack only was apprehended, the defence of which he perceived would be difficult, because they were thinly inhabited; to inspect the places of strength, which deserved not the name of fortifications; to review the militia, which were neither disciplined nor armed, because they were poor. And he put the country in the best state of defence, that an entire want of warlike stores would admit; to the great encouragement of the inhabitants, who determined to repel any attempts on their borders. But he gave warning at the same time to the ministers of England that it was impossible to protect effectually a level country, so intersected by navigable rivers, except by ships of war, which would not only defend it from depredations by sea, but prevent illegal traffick so destructive of the real interests of the state. Partly owing to the want of the spirit of industry, but more to embargoes frequently laid on the trade of Virginia during the war, and to the distresses of England, the commerce of that dominion suffered still more than that of the parent country. The Virginians were neither sufficiently supplied with the accustomed necessaries nor was their tobacco their only staple and resource wholly exported, and the public revenue diminished in proportion as the wants of the people increased. To the Committee of Colonies the Governor and Council with a laudable spirit represented: That were not means found to send thither a greater number of ships in the subsequent year, with abundant supplies of clothing, the inhabitants would assuredly apply to manufactures and the taxes must continue to decrease: That the greatest inconvenience had been found from the absence of officers, whose actual residence should be insisted on as an essential condition of their appointment. Nor were those the only infelicities which were then felt and lamented. The Virginians had disputes with North Carolina relative to boundaries: On the north the inhabitants of that immense peninsula, bound-

ed by the Rappahannock and Potomack, were disquieted by Lord Culpepper's pretensions. And it was now represented, that were "the northern-neck" placed under a settled government it would greatly contribute to the safety of the whole, because the interests and affections of all would be thereby united.<sup>7</sup>

The assembly of Virginia convened for the first time since the Revolution in April 1691. And the circumstances of the province directed its attention to those objects which most immediately required their legislative care. It passed various acts,<sup>8</sup> for the better defence of the country; for the more effectual suppression of vice; and for a free trade with the Indians; which had formerly been restrained. What had been so lately predicted, now actually happened: The obstructions to commerce obliged the people to endeavour to supply themselves with the most useful manufactures: And the assembly, among other regulations of domestic economy, passed an act "enjoining the planting of flax and hemp; one for the advancement of the manufactures of this country; and one for the establishment of Ports: But laws are made in vain when they militate against the spirit of a people, and the dispensations of nature. The multitude of navigable creeks which are so advantageous to a commercial nation, have hitherto prevented the rise of considerable towns, or the establishment of Ports: And the haughty masters of innumerable slaves have not yet dwindled into skillful manufacturers. The assembly transmitted an address to William; congratulating his accession to the throne; thanking him for his seasonable supply of warlike stores; and praying for a continuance of the old, and an addition of further privileges, for an application of the established revenue to secure the country, and for a settlement of the affairs of the peninsula before mentioned, which had been long in confusion, which occasioned a dangerous separation. Nicholson enjoyed the rare felicity of giving at the same time satisfaction to his prince and to the people over whom he presided: And the assembly presented an address to that

monarch in his favour; begging permission to make him a present of three hundred pounds. The governor, sensible what offence it has always given to England to behold manufactures established in her colonies, because it strikes at the foundation of her power, apologized to the committee of plantations with regard to the act for planting flax and hemp, by saying "that it was only to please the inhabitants, who the moment they are sufficiently supplied with merchandizes will mind nothing but tobacco." And he solicited in language which shewed the commercial distresses of the country, "that a few ships may be allowed to bring supplies with a comfortable account to keep the people in hopes." 9

Meanwhile, Lady Culpepper and Lord Fairfax, who had married her daughter, equally anxious for a termination of the disorders of the northern-neck, which so greatly affected their interest, presented a petition to William in May 1691: Stating the original grant of that immense region to Lord St. Albans and others, who conveyed it to their predecessor for a valuable consideration, and the confirmation of the late king in September 1688: And praying not only for approbation of their right but for directions to the government of Virginia to protect their agents. The committee of plantations, having heard the petitioners' counsel, thought it prudent to send the representation on this business to the governor and Council; in order that they might support their objections to the patent, because it was granted during the late reign. After hearing all parties, Somers the attorney general at length reported; "that nothing had been made out to him sufficient to vacate the letters patents, which had been granted in the usual form and which were consequently valid in point of law." His opinion was approved, because it was just. And William gave orders in January 1692: "That the petitioners be allowed to enjoy their grant, provided they kept strictly to the tenor thereof." Thus the tranquillity of so large a part of Virginia was again restored. Lord Fairfax enjoyed in future the

soil, the quit rents, the manorial rights. And the powers of government were now equally extended over the whole, because "the northern-neck" equally formed part of the same dominion.<sup>10</sup> Though Lord Effingham had been continued governor of Virginia he neither shewed any anxiety to assume the management of a charge from which he derived so great a revenue, nor prepared to remove thither even long after his sovereign had been repeatedly put in remembrance of the bad policy of allowing colonial officers to reside in England. And Sir Edmond Andros, whose talents as a soldier were respected by William and whose high political principles were congenial with his own, was appointed governor in February 1692. Meantime a large quantity of warlike stores had been granted to the prayers of the assembly. And upon the application of Andros arms were sent with him for the militia.<sup>11</sup> Thus England during her arduous struggle for the Revolution and liberty gave aid to her distant subjects who were unable to procure the means of defence for themselves during the days of their supposed indigence; because she deemed them her sons, who, when they should arrive at manhood, would repay her cares with filial gratitude and effectual support.

While these various transactions occurred in England, the assembly of Virginia again convened in April 1692. And after passing a few laws<sup>12</sup> redressive of domestic inconveniences, it transmitted an address to William: Thanking him for the warlike stores and frigates lately sent for their defence, and promising to lay down their lives and fortunes in defence of his interest and the laws.<sup>13</sup> When that body reflected on the want of the seminary of learning which Sir William Berkeley had formerly hoped might not be established for a century, which Nicholson however now recommended to their attention, it dispatched a trusty messenger to England "to beg leave of their majestys to erect a free School and College by granting a charter with accustomed privileges." And he executed his trust

with great zeal and address. To the ministers of England, Blair, the Commissary of the Bishop of London, represented: That the Virginians had already subscribed two thousand pounds, and though the assembly relied much on the King and Queen for endowing an establishment, so much wanted and so much desired, yet thought it indecent to prescribe the manner: And that when the legislature of the Colony has seen the amount of the royal munificence it will contribute what should be further necessary by impositions on the Colony. He prayed that there might be granted for this purpose what had been suggested by Nicholson, and was at present of little value: two thousand pounds of the quit rents, which both Charles 2d and James had promised should be applied to the use of the province; a tax of a penny a pound granted by parliament on the export of tobacco to any other colony from the place of its growth, which was then absorbed in the collection; two thousand acres of the immense territory then unlocated, which would be thankfully received; the office of surveyor general, who partook in the profits of his deputies; the escheats as they should arise; and the patronage of churches. The Lords of the treasury, Somers, the attorney general, the commissioners of the Customs; all did honour to themselves by reporting in favour of a project which had for its end the propagation of religion and the interests of science. Mary with peculiar pleasure approved of their advice, and gave orders in September 1692, to grant all that was asked, except only the escheats; because Somers and Trevor gave it as their opinion "that it was doubtful if the king could give them away before they fell, and it would not be advisable to place the forfeitures for treason in other hands."<sup>14</sup> Yet the men of cautious tempers even then hoped: "That the planters never will make use of the generous encouragement that had been thus afforded them by their mother country, for disputing the dependence and allegiance they owe her."<sup>15</sup> Animated by these liberal favours Virginia enjoyed a profound tran-



quillity, which Nicholson endeavoured with a laudable spirit to ensure in case of an attack, by improving the discipline of the militia. The only danger which then threatened the inhabitants arose from the scarcity of merchandize to supply their wants, of vessels to carry away their productions. And the northern Indians and Canadians were either too distant, or too busily engaged with the Eastern Colonies to give any disturbance to a people who acted no part in the bloody scenes of the war that involved the interests of every part of the English Empire in its final success.

Urged by those motives of enmity, which have at all times existed between the Aborigines and Colonists, the Indians began hostilities on the Eastern frontiers of New England, as early as autumn 1688, while peace with the French yet continued. Upon intelligence of this event, Andros with his accustomed vigour hastened from New York to Boston. He dispatched a part of the standing companies, as a reinforcement, with warlike stores, while he sent vessels to secure the coast and fisheries. He hastily collected about six hundred men, and upon General Winthrops declining the command, he conducted them to the scene of action, "through frost and snow:" "Taking upon himself his full share of the hardships" of the march, because it alleviated the fatigues of soldiers little accustomed to discipline. But on his approach the Indians according to their usual policy retired into their fastnesses. Nor were these sufficient to protect them against the several parties which he detached to destroy their settlements, their warlike stores, their provisions: And they were reduced to the greatest distress and were ready to sue for mercy. In order to preserve that superiority, which his good conduct had thus acquired, he judiciously placed seven hundred men in twelve fortlets and smaller places of arms, along the skirts of the province under experienced officers. And neither devastation nor injury was committed during the winter and ensuing spring.<sup>16</sup> While discontent possesses the people, they condemn the best

judged measures of their hated rulers for their preservation: The rational exertions of Andros were "universally condemned, as we are assured," because the men were exposed to hardship without any prospect of service." Yet the county of Cornwall and province of Main, which were exposed the most and acquired security from his exertions, did justice to his merit by acknowledging themselves fully protected till the insurrection in Massachusetts again exposed them to danger.<sup>18</sup>

No sooner was the success of the Revolution at Boston decided than the Committee of Safety with a singular imprudence or infatuation sent orders to persons on whom it could rely "to cashier the officers of the companies upon the English establishment; to take the command of the forces on the Eastern frontiers; to detain as many as the circumstances of affairs required; and to send home the remainder." The order was executed on the 27 of April, with that rigour, which the extreme jealousy of the rulers required. In Pemaquid, which the ministers of England had long deemed the ostensible evidence of the English possession towards the boundaries of Acadie, there remained only eighteen men. And from the other stations the soldiers were either drawn off, or they seized their officers and deserted their posts, because their fidelity had been corrupted. In the meantime Madockawando, a sachem no less remarkable for the greatness of his sagacity than for his rooted enmity to the colonists, arrived at Boston about the middle of April 1689; in order to mediate a peace. Here he was treated with an attention due to his merit, and he was soon after sent home, that he might fulfill his promises to promote a pacification. But he had noted with care the uncommon anarchy which prevailed; he perceived, that the General who had so lately repelled the inroads of his countrymen, by a singular reverse of fortune, was now closely imprisoned. And when he reached the frontiers he found the Army disbanded and the forts deserted. The tribes, who had been repulsed rather than subdued, heard his information with pleas-

ure, and received his counsels with avidity. And they renewed hostilities with fresh ardour and augmented numbers, because they were animated equally by revenge and by hope of plunder. In April 1689, they began their murderous attacks on the higher settlements of New Hampshire around the river Piscattaqua, where they but too well gratified both those passions, since the inhabitants were unprotected and helpless. Pemaquid, Saco, and Casco-bay were successively taken. The whole country as far westward as that river was either deserted or laid waste with those circumstances of undistinguishing cruelty so natural to that barbarous enemy. Before October 1689, that line of coast extending from the river St. Croix southwestward one hundred and twenty miles had felt the cruelty of their depredations, and was wholly resigned to the French and their Indian allies. The damages sustained by the miserable colonists were computed at ten thousand pounds. The fishery and commerce of lumber were lost, because the coasts were moreover infested by numerous privateers fitted out from Acadie. During several months of complicated misery the exertions of the Governor and Council were extremely feeble, because their authority was disputed, and though every means were tried to procure soldiers to repel their invaders, few were procured, as the stability of their power was doubted. The General Court indeed considered it rather as a favour than a duty to defend New Hampshire and Main, since they lay without its jurisdiction.<sup>19</sup> But the numerous Refugees who were compelled to desert their habitations, filled Massachusetts with their complaints, and in the height of their anguish exclaimed: That the men, who from motives of ambition or revenge had deprived them of the blessings of government, were answerable to God for the blood that was shed, and owed to the undone commiseration and relief.

The general Court was conscious in what glowing colours these melancholy events would be painted in England, and during the winter of 1689-90, it medi-

tated some enterprize, that should at once convince the world of its power and confer celebrity on its arms. And in imitation of the wise of antiquity it determined to defend New England by attacking the French in Acadie. The conquest of Port-Royal was at length resolved on. Lately initiated into all the mysteries of independency, religious and political, Sir William Phipps was appointed generalissimo of the expedition in opposition to all competitors. As an encouragement to volunteers the General Court offered the one half of the plunder, and payment of the arrears of pay to the relations of the slain.<sup>30</sup> Seven hundred and thirty seven men embarked on board a small fleet, the largest ships of which carried forty two guns, which sailed from Nantasket road the 28 of April and happily arrived before the object of their destination the 10th of May. Phips instantly summoned not only the Fort, but the inhabitants of the country to submit to the Crown of England: Offering security for their lives, their freedom and their property upon laying down their arms, delivering up the fortifications, and taking an oath of allegiance. These terms were too flattering to men who were unable to resist to be refused, which on their part were literally performed: But these promises had been made to the unsuspecting, with an intention to deceive when they could no longer resist. The French soldiers were instantly made prisoners; detachments were sent out by land and by water to plunder, because by the spoils of Acadie, the expence of the expedition was to be chiefly discharged. And the religious troops of Massachusetts, never once reflecting that places appropriated to the worship of the Deity, are by men of every persuasion held sacred, "rifled the Church, cut down the cross, prostrated the high altar, and broke the images." The general detached Alden with a few ships along the Acadian coast to oblige the French and Indians to acknowledge themselves subjects of William and Mary. When the inhabitants on the river of Port Royal had sworn allegiance to the English Crown they were direct-

ed to choose a President and Council, who were approved of and instructed by Phips, and who "were ordered to give an account of their proceedings to the general Court." The fort dismantled, and the spoils collected, the fleet departed and arrived at Boston the 30 of May.<sup>21</sup> Indifferent spectators of these events inquired: "What mighty good had resulted from an expedition, that, when the value of the plunder was deducted from its expence left the conquerors £3,000 in debt? For as no garrisons were placed to retain actual possession, the sovereignty of the Crown of England was as nominal now as it had formerly been: And the Acadians, who have been at all times placed in unhappy situations, considered Oaths imposed by men, who were themselves regardless of the most solemn conventions, as of little validity. Owing to those causes Port-Royal was easily retaken by a French frigate during the year 1692. In the mean time the French and their Indian allies destroyed by fire and the sword what their former devastations had spared, because they were now animated by fresh incentives. While Phips was busied in imposing nugatory engagements and erecting an ideal government, subordinate to Massachusetts, they again took and burnt the town and Fort of Casco-Bay. The wretched planters, whom it was impossible to protect, because the country was thinly inhabited, were either carried into a deplorable captivity or obliged to desert habitations, which were no longer tenable: And the whole province of Main, except only the town of York, was relinquished to their implacable enemies. Yet the people of Boston carried on a constant trade with the French and Indians, during this horrid warfare, exchanging for peltry, arms, ammunition and clothing, because they were actuated entirely by the true commercial spirit."<sup>22</sup> Elevated nevertheless by the easy capture of a fort and settlement incapable of resistance, the General Court was emboldened to attempt a conquest of greater magnitude. It considered a vigorous impression on Canada not only as the best means for

putting an end to the lamentable devastations which it had hitherto been unable to prevent: But above all it hoped to recommend the people to the favour of a King who was fond of soldiers, and to obtain the reëstablishment of their chartered rights, since their exertions would shew, they were worthy of them.<sup>23</sup> As early indeed as the first of April it had detached an express to England, in order to inform the administration of its preparations against Port-Royal, to solicit a supply of warlike stores, and to give assurances of its resolution of affording their utmost assistance in the reduction of Canada, should the King think proper to attempt it. These informations and professions were received on the 20 of May, and an order was soon after issued, permitting the merchants to export arms and ammunition to Boston. As however the design upon Quebec was built not only on the final success against Port-Royal, but the coöperation of William, no notice was taken of a project, which was urged with diffidence and depended on so many contingencies.<sup>24</sup> Yet without reflecting that an effectual answer to requisitions transmitted the beginning of April could not be expected before the first of September, the General Court made the most vigorous preparations for the intended expedition. And as it did not escape its sagacity how much the ultimate success of its measures depended on an attack at the same time against Montreal, it had the address to procure the concurrence and aid of New York and Connecticut. Having waited with anxiety for supplies from England till the 9th of August, Sir William Phipps sailed with a fleet of 30 vessels, the largest of which carried forty four guns, for the conquest of Quebeck with two thousand three hundred men, newly raised and badly appointed: But he relied much on his own courage, on the zeal of his troops, on the weakness of that city of which he had received information. Meanwhile five hundred men, levied by the two provinces before mentioned, with fifteen hundred Indians were conducted by Winthrop through the desert to the margin of lake Champlain.

But here he discovered, what he probably foresaw, that it was impossible to cross this mighty barrier without vessels and provisions, which Leisler the ruler of New York had promised to provide, yet unhappily forgot to perform. That general returned on his steps to Albany, because he could not remain long in a wilderness without food. And now from commanding an army he was confined by Leisler in jail, till forcibly released by his soldiers, and he was rewarded by Connecticut, his native country, because it approved of his conduct, as much as it blamed his adversary. The Canadians governed by one officer, and animated by one spirit, derided the efforts of men and of Colonies, whose disputes prevented the energy of Union, whose factions led them generally to controul established authority, rather than to annoy the common enemy.

The badness of the weather and the want of pilots prevented Phipps from arriving before Quebec sooner than the 8th of October; when the winter had already commenced with the severity of that climate.<sup>26</sup> Had he arrived a few days earlier he had probably acquired possession of that City without resistance, and before Count Frontenac, who was then at Montreal, had heard of his approach. But the tediousness of his voyage gave time to that great Commander to complete the defences of the town, and an opportunity to the Militia headed by a gallant gentry to assemble around him, for the defence of all that is dear to men. Nothing could be more wise than the plan adopted by Count Frontenac for the safety of that Capital. While he detached his irregulars either to line the coast, or to lie in ambush to harrass his enemies in their approach, he took post with his army between the river Charles, and the town; in order to entice them to cross that dangerous stream which is only fordable upon the recess of the tide, to fall upon them during the disorder which this would naturally produce, and to prevent their retreat while he insured his own.<sup>27</sup> Phipps soon sent a summons to the governor general, dictated by the

Chaplains of the army with that ignorance of the world and of affairs peculiar to gowmsmen which has so often proved fatal to armies: Demanding a surrender of the town, of the royal and private stores, of all their estates and persons to his disposal; assuring him however, that, this performed, he might expect mercy as a Christian, according to what may be found for his Majestys service, and the subjects security. But Sir William did not advert in the height of his zeal, that he had only offered those terms to gallant men, who were prepared to repel his assault, which humanity would grant to the disarmed in the moment of victory. And his proposals were received with that mixture of contempt and indignation which confident rudeness always excites in the wise and brave. The younger officers exclaimed: That the messenger should be treated as the envoy of a Corsair, since Phips bore arms against his lawful sovereign, and had acted at Port Royal as a true pirate, because he had violated a capitulation contrary to his promise and to the law of nations.<sup>28</sup> But though there was but too much foundation for these reproaches, Count Frontenac answered with a moderation more worthy of him:<sup>29</sup> That as he considered the Prince of Orange as an usurper he could acknowledge no other king of England than James 2d, who was honoured with the protection of his master; that were he disposed to accept of such humiliating terms his brave officers would not consent, but would rather advise him to give no faith to the words of a man who had broken a capitulation and violated the faith which he owed to his prince. Both parties now prepared, the one to assault, the other to defend Quebec. On the subsequent day, about fourteen hundred men were landed under the conduct of Walley who was instantly attacked but easily secured his landing. He advanced towards the river Charles, yet though he was assailed on all sides by the light troops he bravely repelled his enemies. He now discovered however that though he had driven back the advanced parties, it would be extremely imprudent to engage the

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main body, which was formed under excellent commanders ready to dispute his progress. Phipps in the mean while gallantly attacked the town with his ships, which after a severe cannonade were obliged to retire in confusion, because their force was unequal to the object. Their scanty ammunition was now nearly expended; sickness began to prevail; the climate fought against them: And on the third night after their landing, the troops were reembarked with precipitation; leaving five field pieces to the French as trophies of victory.<sup>30</sup> When the liberal minded of other nations heard of this event they rejoiced; that politeness, bravery, and conduct had triumphed over barbarism, rashness, and folly. Scarcely had the fleet departed for Boston when one of the usual storms of that season heaped innumerable afflictions on the unfortunate, and the admiral alone arrived on the 15 of November, to give his countrymen the sad tidings of the event of an enterprize, so contrary to the expectations of every one, because all had been confident of that success for which the faithful had ardently prayed. Few of the troops had felt the stroke of the enemy in proportion to the numbers that afterwards perished with disease, which was the more deplorable, because it infected the inhabitants and spread desolation among a dispirited people.<sup>31</sup>

The loss of reputation was not the only misfortune which the General Court had now to lament. The expences of the expedition were calculated at one hundred thousand pounds, for the payment of which no funds had been provided, nor was it possible to raise taxes equal to the demands that were earnestly made; because the soldiers as they arrived clamoured for their well earned pay. Extreme parsimony generally defeats its own aims: While that body flattered itself with the hopes of conquering Canada, and expected in return every favour from a warlike prince, it relied too much on the plunder of an unconquered enemy to defray the expence of the conquest. Had the government and officers confined their views to success alone they would

have generously offered Count Frontenac and his troops the honours of war, to the Canadians their privileges and estates: But the terms proposed to that gallant commander wounded his pride, the conditions dictated to the people confirmed their resolution. Amid the vexations of disappointment and the cries of distress the General Court passed a law in December 1690;” appointing commissioners “to grant printed bills to persons desiring them in payment of debts due by the country;” declaring the paper of equal value as treasure and as such to be received in payment. It ought to be remembered that this was the first paper-money which had been issued within the English Empire: And it did not surprize any one when those disorders ensued which never fail to result from innovations in political economy. “The notes we are assured would not command money, nor commodities at money-price: The soldiers got no more than twelve or fourteen shillings in the pound;” though they are said to have afterwards become better than specie, the discount was not made up.<sup>33</sup> The rigid moralists exclaimed: That it is always unjust to compel the creditor to accept that as a payment which is subject to depreciation, since nations as well as individuals equally become bankrupts when they pay less than they owe. Sir William Phipps soon after departed for England to plead his own and his countrys merits.

The conduct of Massachusetts has been at all times so much above the common rules of human action that there seems an impropriety in judging of its late transactions by those principles commonly acknowledged in the world. Yet if we consider that colony merely as a subordinate territory, which ought to have waited in quiet the decision of the parent-state, the revolution must be deemed no less irregular in theory than pernicious in its practical effect. With the caution natural to William, he gave his approbation only to that part of its proceedings which had for its end the proclamation of his title; and he conferred no other authority

on the government which the colonists had established for themselves, than to preserve internal peace till further orders. Since aggregates of men however, as well as individuals, possess the right of self defence the general court acted properly in defending the country, though the disbanding of that part of the late army which was on the English establishment was altogether indefensible: Nor could the depredations before mentioned without special authority from the sovereign be justified by any just maxim of subordination, and were therefore considered by foreign nations as piracies. The establishment of governments inferior to the jurisdiction of Massachusetts, as Acadie was, and Canada would have been, was perfectly consistent with those projects of independence on which it acted as much now, though the names of William and Mary were used, as it anciently did, when the regal power was contemned. Let us not however think meanly of those expeditions, though we ought not to approve of the spirit of aggrandizement whence they proceeded. The other colonies conjoined, were then unable to have made so considerable exertions. And they will remain monuments to posterity of what small communities are able to perform, when left to their own management, and the spirit of the people concur; though the attack on Canada ended as might have been expected from the rashness of the undertaking and from the means employed being wholly unequal to the end. The most sagacious of those days did not foresee, that a descendent of Lewis 14th, who considered William as an Usurper and his adherents as traitors, would in so little a period of years be leagued with the posterity of the invaders of Canada; in order to destroy that power which had given them existence, protected their infancy, and reared them to manhood.

While the war was thus prosecuted with various fortune, and Massachusetts felt the complicated distress which the rashness of her rulers had entailed on her, it required the usual address of the General Court to ward off the blows aimed by its opponents in England to prose-

cute successfully the restoration of the former, or the concession of a new charter, because every loss or misfortune was attributed rather to misconduct than to weakness. In January 1690, Oakes and Cooke were appointed additional agents to those already in England: And they were empowered in language which shewed the extent of its views, generally to defend the conduct of the colony, with regard to the revolution, and to negotiate the public affairs, but particularly "*to solicit in Parliament, or otherwise, the continuation of the ancient charter and the addition of new privileges.*"<sup>34</sup> Prompted either by a sense of former wrongs or by the fear of present injury, should Andros and the other state-prisoners appear at court during that critical season, pretences were found to detain them for two months after it had received orders to send them to England.<sup>35</sup> When all parties at length appeared before the Lords of the Committee of plantations, the agents declined to make any formal complaint against them, because their Counsel, the modest and learned Somers, assured them, that their accusations could not be supported. William dismissed a prosecution "that was neither signed nor owned," and discharged the prisoners. It is remarkable, that the accusation was levelled rather against the validity of the commission and instructions of Andros than the irregularity of his conduct, as inconsistent with either: The attack was on the form of government rather than the oppressions of the governor.<sup>36</sup> Thus ended a prosecution from which the artful had taught the credulous to expect that their wrongs would be avenged by shedding the blood of the objects of their hate. The real friends of liberty lamented: That while the zealous asserted her rights, they should have deprived others of freedom in a struggle which had the natural and social rights of men for its object.

The real character of William had not escaped the sagacity of Mather. And from the moment that the committee of plantations gave its opinion against the restoration of the original charter, so beloved and

deplored, he despaired of procuring a restitution from a prince whose attachment to prerogative he beheld with regret. As a faithful agent of his country he now turned his unwearied attention to the securing of several of the nobility, the principal commoners, the whole body of dissenting ministers;<sup>37</sup> in order to procure from the Parliament what he could not obtain from the King. Leagued with the Whigs, who with a view to secure for ever their present power, introduced in December 1689 the famous corporation-bill, the agents had the influence to procure a clause for restoring the Charters of New England. But the ministers not only opposed this project, because it no less affected the prerogative than the dependence of the colonies, but by throwing the influence of the court into the scale of the Tories the bill was finally rejected, in January 1690 :—while the Whigs were mortified, the hopes of the agents were for ever dashed.<sup>38</sup> Thus at that great era Massachusetts attempted with the aid of the Revolution Whigs to establish her government on the solid foundation of an act of Parliament. Yet it is not easy to perceive what good could have resulted to the colony from this measure, had not the Sovereignty of the supreme legislature been admitted and the efficacy of its power to bind every commission of the Crown been acknowledged. As there now remained no expectation of procuring the restoration of their ancient charter it was long debated among the Agents whether to apply for any. But, since it is the duty of wise men to accept what is in their power to obtain, it was at length determined to solicit a new grant, with as many of the ancient privileges as possible. As a King of England could exert no legislative authority over the people of New England, because they were subjects; as a local legislature was therefore necessary for local purposes, they were constitutionally entitled to a vote in the making of laws for themselves: But of right they could claim no more; they were entitled to no portion of the executive power. And good policy should have given to them the same rational constitu-

tion under which the other English colonies had long flourished, because they were free. We shall find the subsequent struggle between William and the Agents to consist of mutual endeavours, the one to retain what he had a right to enjoy, the others to regain for their countrymen as large a share of the executive authority as could be wrung from a prince, jealous of his power.

The petition and proposals of the Agents were at length delivered in December 1690, though one of them refused to concur. But as it did not escape the penetration of the Committee of Colonies, to whom they were referred, that what was now asked under the form of a new grant contained the old with additional privileges, it was deemed prudent to request the determination of that monarch, whether he would have a governor of his own appointment or confer the power of making laws wholly on the people and the officers appointed by them. William, as probably was foreseen, preferred the former alternative. Agreeably to this intention the attorney general prepared a sketch, which was corrected by the Committee. But as the agents insisted on various alterations, tending to raise the power of the people by defalcations from the prerogative of the prince, Mary ordered the whole to be transmitted to Holland for the royal pleasure. Meanwhile Sir William Phips made that political use of the expedition against Quebec for which probably it had been only intended: He stated that the former services of Massachusetts, which was ready to engage in another expedition, were the proposed assistance given and her former rights restored, so as to empower her to raise men and money: Nor did he forget to name himself for commander, because he had acquired knowledge from experience. The Secretary of State not long after informed the Committee that the King had approved of their proceedings; and that the agents had acquiesced in the royal pleasure.<sup>99</sup> Thus prudently submitting after violent debates among themselves to what they perceived it was in vain any longer to oppose, and exerting themselves to the last to

procure for their countrymen as large a portion of power as that tenacious monarch could be induced to relinquish. Yet it will be found that the Charter which was not long after granted did little honour to his political sagacity or to the prudence of his ministers.

The terms of the patent being at length settled to the satisfaction of all parties passed the seals on the 9th of October 1691, after a discussion rather tedious than attentive of ten months.<sup>40</sup> It recited the Charter to the Plymouth Company; the subsequent grant of Charles 1st; the judgement of the Court of Chancery by which it was cancelled; and the application of the agents for such privileges as should most conduce to the royal service and to the welfare of New England. It incorporated Massachusetts, New Plymouth, Main, Nova Scotia, and other territories into one province by the name of Massachusetts-bay; to be holden of the manor of East Greenwich in common soccage. And there were at the same time confirmed all lands and hereditaments formerly granted to individuals or to corporate bodies. Of these extensive countries the legislative power was invested in a general court, which should meet annually in May, which should be composed of a governor, of twenty eight assistants, and of assembly men chosen by every town: And it was empowered to make laws for the government of the people and for defence of the Country; so as they should not be repugnant to the jurisprudence of England, and should be transmitted to England for the royal approbation within three years; to impose reasonable taxes on the persons or estates of the proprietors to be disposed of by the governor and council: The assistants were to consist of such persons holding lands within the province as should be chosen by the Assembly and approved by the governor. But the power of appointing the governor, Deputy governor, and Secretary was reserved to the Crown, because William deemed this reservation sufficient to preserve his own power and the dependence of the people. The governor was empowered to nominate Judges, justices

of the peace, Sheriffs and other officers belonging to the Council or to the Courts of justice with the advice of his assistants. Yet the General Court was authorized to appoint all other officers; to erect courts of justice for the decision of affairs civil and military, but with an appeal to the King in council in matters of the value of £300 sterling: And it was empowered to grant the lands included in these extensive dominions. The governor and council however were enabled to take probate of wills and to grant letters of administration. Appointed Commander of the Militia was authorized to array the inhabitants and to conduct them against their enemies and to pursue them even beyond the limits of the province: But martial law was not to be executed without the consent of the Council, nor were the inhabitants to be carried out of the province without their consent. In the absence of the governor and Lieutenant governor the greater number of the Council were empowered to assume the administration. The admiralty jurisdiction was reserved to the high admiral of England. Persons born or residing within the province were declared to be entitled to the immunities of natural subjects.<sup>42</sup> To all Christians liberty of conscience was granted except only to papists. Freedom of Fishing on the Coasts of New England, of taking wood and of erecting buildings on waste lands was reserved to every subject of the Crown. And for the better providing of masts for the royal navy all trees then growing on lands not granted to private persons were reserved to the Crown.

Such then is the substance of the charter which was conceded to the solicitation of the agents after so much deliberation: And thus was Massachusetts for the first time erected into a province of the English Empire, and its inhabitants were acknowledged to be English subjects. Yet no good reason was then assigned for granting what good policy should have sternly refused. Had the interest of England rather than the influence of intrigue decided with regard to the reestablishment of the government of this colony, the principles of the peo-



ple, their opposition to the laws of England, and their desires of independence should have been chiefly regarded. Far from granting larger privileges to them than to the other plantations, more friendly to England, a proper balance should have been erected to counteract the spirit of democracy, so continual in its operations and so baneful in its effects. These views would have led to the appointment of a governor and Council by a Commission and instructions, similar to those of other provinces, because they might have been changed and improved, rather than by a charter, which, having once passed the great Seal, was irrevocable by the grantor, however inconvenient or dangerous. If we compare the present with the ancient patent of Massachusetts we shall find it greatly superior, because more liberal and extensive; if we compare it with that of Pennsylvania we shall find no cause to prefer the production of the politic William to that of the careless Charles: In the last the rights of the nation and the powers of the legislature were reserved with an accuracy which does honour to the illustrious judge who revised it: Not a clause of the former but has given rise to controversy, owing partly to its defects, but perhaps more to the contentious spirit of the people to whom it was given. Yet the opinion which they formed of it seems to evince how prone mankind are to attach their veneration to names rather than to the essence of things, and the preference which they gave their ancient charter and government shews that they regarded both with the ardent zeal of enthusiasts. Happy had they at all times exercised the extraordinary privileges then conferred with a moderation and regard to the laws equal to the singular address with which they had been gained.

In addition to these favours, William permitted the Agents to appoint for the present those officers whose nomination had been reserved to the Crown. The services and zeal of Sir William Phipps, a native of New England, of mean birth, and of meaner accomplishments,

were now therefore rewarded with the government<sup>43</sup> of a province, the fame and power of which he had endeavoured to extend. And in November 1691, he received a commission and instructions,<sup>44</sup> that were founded on the Charter and that varied from those of other governors only as they were more restrained, because the executive power had been extremely curtailed. The strength of Canada had been lately felt, while the defenceless state of the colonies of New England notwithstanding their populousness was perceived and lamented. In order therefore that the protection of all might result from the union of all, Phipps was at the same time appointed commander in chief of the militia and fortifications of Rhode Island, Connecticut, and New Hampshire:<sup>45</sup> The crown lawyers, who approved of this commission never reflecting, that though the military command within every dominion of the crown of right belonged to the crown yet that the predecessors of William with a regretted impolicy had transferred it to those who were too tenacious to part easily with their Chartered privileges. And to the prayers of a people, who have boasted that they had never received any assistance from England, were granted Ordnance, Warlike Stores, and Ships, which were placed under the command of the governor for the protection of their coasts.<sup>46</sup> But at the same time that Phipps sailed with a charter for the procurement of which the good people of Massachusetts had so long fasted and prayed a foundation was then laid for future controversy; which Cooke, one of the discontented Agents, then commenced, by warning his countrymen "to be careful not to perpetuate any public revenue, or any officer's salary, or large fees."<sup>47</sup> The great reach of thought which then enlightened the leading men of that colony placed William and his ministers in a light extremely obscure and therefore disadvantageous: Sagacity, perseverance, and address are virtues, which must at all times be admired wherever they are found.

During these various transactions, civil and military,

similar causes produced similar events within the neighbouring colony on the southwest. Information was no sooner received in England from the late Council of the revolution at New York, of its dangerous situation, of the inconveniences of its union with New England, than it was determined to establish a separate government, and to send thither not only a governor but two companies of soldiers in the room of those which had lately been disbanded. But though Colonel Sloughter was named for that office in September 1689, so disordered were the affairs of England that the frigate which had been appointed to carry him beyond the Atlantic was sent as a convoy to Ireland.<sup>48</sup> And the people of that Province had a fine opportunity during the long misrule of Leisler to decide whether despotism or anarchy is the last evil. Happy had the miseries of civil discord been the only ills which they soon had reason to deplore. When the bonds of alliance between England and France were dissolved by the Revolution and the neutrality of the colonies had ceased, Lewis 14th determined on the conquest of New York, because he was animated no less by resentment than by hopes of making an early acquisition of a country rendered weak by its distractions. Often had the Canadians felt the stroke of the hatchet; lately had their country been desolated by the five confederated tribes: And while their distresses moved the pity of their prince they implored that protection which he alone could grant. It was at the same time suggested to him, that vain was it to think of extending the boundaries of Canada while the five nations formed a barrier to his progress, because they were influenced by the governors of New York. In order therefore to promote all his views he sent the experienced Count Frontenac to Canada during the summer of 1689, to whom he confided the execution of his projects. But the French fleet intended for the attack on New York was happily delayed by one of those storms, which have so often proved fatal to the naval armies of France on the American coast. While the arrival of that aged noble-

man inspired the Canadians with fresh vigour: While he employed every art to reëstablish peace with the confederated Indians their most formidable foes, he detached parties, composed of hunters and savages to fall on Albany and New England during the winter. And he foresaw, that the incurable dissensions of his enemies would expose them feeble and unprotected to their incursions.<sup>49</sup>

Meanwhile the Five nations perceived the preparations which were made to give weight to his proposals of peace without dismay. And they convened a great Council at Onondaga, in December 1689, to decide whether they should accept of peace or continue the war: Inviting thither their favourite Schuyler the Mayor of Albany, because they had predetermined with a spirit worthy of polished nations "to resolve nothing without the consent of those bound in the chain of amity with them." On this interesting occasion the magistrates of that town, with an inattention which proceeded from the distraction of the times sent messengers, who possessed neither talents nor consideration, to dissuade that sagacious people from listening to the flatteries of Frontenac: And with the true spirit of Dutchmen they transmitted by their envoys a quantity of merchandize to be sold at Onondaga. But no measure could have given greater offence to warriors, who, judging of all traders by the conduct of those with whom they had trafficked, deemed them unworthy of trust, because they considered all merchants as unfit to be employed in public affairs. And with the accustomed good sense of that assembly it resolved to preserve the friendship of the English, but to keep the means of making peace with the French in its own power.<sup>50</sup> After a march of incredible perseverance and fatigue through a desert covered with snow the Canadians, conducted by Hervile, surprized Schenectady, which was then the frontier settlement in February 1690. And regardless of the boasted humanity of their nation they carried the torch through its streets: They massacred sixty

unresisting persons without distinction of age or sex. Yet this barbarous enterprize, which, while it dishonoured their King, brought so little advantage to their country, passed not wholly unavenged. A hundred Mohawks pursued the invaders of their country and retaliated on their rear-guard what they had inflicted on others. Amid the triumph of victory these gallant warriors exclaimed with a mixture of pity and contempt: How feeble and helpless are the children of labour while the storm of war passes over them as a whirlwind. When the deputies of the five nations arrived not long after at Albany "to wipe away the tears of the afflicted" according to their custom, they found the inhabitants preparing to abandon their town and to seek shelter in their capital. But the timely appearance of the friends of their adversity inspired a resolution worthy of men who listened with satisfaction to counsels which recommended to the various colonies "vigour and unanimity."<sup>61</sup> Roused at length by this fatal incursion a convention of delegates for a great part of the province assembled under the authority of Leisler in April 1690. But it was in vain for this body to impose taxes for the defence of the Colony, because the legality of the imposition by such an authority was denied. And an explanatory ordinance was passed at a subsequent day because "the people had not obeyed the former." Yet little good could be expected from these measures while Leisler was obliged to use the decisive influence of military force to preserve his power even within the city of New York over those who detested his person and abhorred his usurpation. As he owed his present elevation chiefly to the counsels and intrigues of New England he now experienced an attention and aid, which she seldom gave to governors of royal appointment. Connecticut promised to send two companies of soldiers for the defence of Albany. And Massachusetts, New Plymouth, New York and Connecticut, agreed in May 1690 to raise 855 men for mutual preservation. But neither the prudent admonitions of their Indian allies

nor a sense of danger could moderate the frantic temper of Leisler or reconcile the minds of men to his command who deemed themselves insulted and oppressed.<sup>52</sup> And the confederate tribes were left to struggle alone against the implacable enemy of all parties, because to the animosities of all the interests of all were sacrificed.

Amid these distractions Slaughter was joyfully received by every one, except only the friends of Leisler, in March 1691. And he found that great numbers had drawn their swords to support the royal authority and at the same time to pull down what they deemed a tyranny, since they had never consented to its establishment. He immediately published his commission in the usual form. He found the province groaning under the pressure of its contentions foreign and domestic; the Mohawks, who were weary of a disastrous war, were ready to accept of any terms of peace from their potent enemies, because they had been unsupported: Yet he saw people enow who were capable to destroy all their foes "were it possible to do anything with them while divided into so many factions." The same passions which had prompted Leisler to overturn the late government now urged him to levy war against the prince for whom he had lately contended, by holding the fort against his representative, because the zealous friends of the revolution had been wholly overlooked in the establishment of government as unworthy of trust. Forsaken by his soldiers in the hour of trial that infatuated leader was soon compelled to submit at discretion. A special Court was soon after appointed to try the most guilty. Several plead, were found guilty, and were commended as objects of that pardon which they afterwards received. But Leisler and Milbourne, his Secretary and principal adviser, refused to plead, because with a mixture of ignorance and enthusiasm they denied the authority of the Court, they were adjudged guilty of treason. Though the governor at first prudently resolved to leave their ultimate fate to the royal decision, yet by the request of

the two houses of assembly, they were almost immediately executed, because many clamoured for their fall. Of the fairness of their trial, the nature of their crime, or the justness of their sentence no doubt can be reasonably entertained; since they were not indicted for the part they had acted in the revolution or in the subsequent violences, but merely for holding a fortress by arms against the legal governor, which in judgement of law was levying war against the King: But the prudence of the measure may be justly questioned, because ill-timed examples only weaken the power which they are meant to support. William declared in favour of the validity of the judgement; yet ordered their estates to be returned to their children, because the services of the fathers required some attention to the sons.<sup>53</sup> The first assembly convened meantime in April 1691. At the same time that it recognized "their majestys just title according to the law of England," it transmitted them thanks "for restoring a true English government and the former liberty of an assembly;" and for these favours it vowed future gratitude and support. It declared the ancient boundaries of the province from the river Connecticut to the bay of Delaware, and it solicited that the whole might be annexed to its government.<sup>54</sup> And it enacted a variety of laws<sup>55</sup> to heal the late and prevent the return of future disorders. It passed an Act "for settling the disturbances that have lately happened, by setting up a power without authority from the Crown, which had greatly debauched the minds of many people." It declared "what are the rights of the subjects of this province;" asserting among other remarkable particulars, "that no tax ought to be required of them without the consent of the assembly." They were prompted possibly to this measure, because they had once been a conquered people, and had lately been compelled to pay duties which those who were now in power had disputed as illegal. But to this bill William afterwards dissented, because he deemed it incongruous for a subordinate legislature to declare "what are its own privileges."

The assembly granted £2000 for the expense of one hundred fusileers during one year. It established a revenue for defraying the public charge for two years. And in order to close the wounds of the state, it passed an Act "pardoning such as have been active in the late disorders." From an assembly which deserves to be remembered as the friends of their country, Sloughter hastened to Albany where he met the sachems of the Five Nations, to whom he delivered the presents that he had brought with him from England. He renewed with them the covenant of peace for all the Colonies. And in their turn they assured him of their resolution to prosecute the war against the French while they lived, and never to speak of peace but with the common consent. Yet they observed with a shrewdness which hit most of those who were then present: That the late disorders of the province had like to have confounded all their affairs, while several of their brethren had deserted Albany in the hour of danger, but hoped that neither would happen in future. Scarcely had Sloughter performed a service from which the Colony derived so many advantages when he died: Leaving the province in a critical state no less from internal faction than from foreign warfare.

Disregarding the late act of assembly which declared "that the first of the council in nomination shall preside in case of the decease of the governor," that body with a laudable disinterestedness declared Major Ingham, who possessed the oldest royal commission, commander in chief of the province, till the Kings pleasure should be known. And he was immediately called into action. Information was no sooner received by the Council that the French had formed a design upon Albany than it wisely determined to prevent their attack by invading Canada. With this view it asked aid of Massachusetts, Rhode Island, Connecticut; "but they flatly denied what was anxiously asked." In this extremity it represented to the Committee of the Colonies the state of the province, which had groaned under



insupportable pressures since its miserable union with Boston: It recounted as not the least of its infelicities, that New England since their late unhappy junction had poisoned those western-parts, which had formerly been signal for their attachment to Monarchy, with her seditious and anti-monarchical principles:” and it begged for a supply of warlike stores in language which shewed the wants and inabilities of the people.<sup>57</sup> In the mean time, Schuyler, the Mayor of Albany, who was justly celebrated as no less brave than honest, conducted into Canada about four hundred Indians and Provincials. Though his intentions had been discovered by the scouts of the enemy he crossed Lake Champlain and surprized La Prairie. Here he was encountered however by the Canadians and their Indian allies. The French officers shewed their men how to conquer, and bravely died, because they would not survive their late disgrace. Owing to the usual prowess of the Mohawks Schuyler obliged his gallant opponents to retire into their fort; which he immediately assaulted though with a success unequal to the vigour of his conduct. But fearing from what he saw and heard that his retreat would be cut off he prudently retired and reconducted his men in triumph to Albany. His countrymen received him with more than usual applause, because he was the first English officer who had led an army into Canada across Lake Champlain and had revenged the massacre of Schenectady.<sup>58</sup> Animated by this exertion and success and by the presents and promises of Ingoldsby, the Five Nations alone continued their vigorous attacks on the Canadians, and generously acted as the protectors of New York, while it was unsupported by the neighbouring colonies, while it could only maintain the garrison of Albany, because its resources were exhausted.<sup>59</sup>

Colonel Fletcher, a soldier of fortune, a man of profligate character, but a zealous officer, was appointed governor of that province in January 1692. Perfectly informed of the state of his government, he solicited warlike stores, presents for its Indian allies, and two

additional companies of soldiers for its defence. Every thing was granted to his prayers with an alacrity in proportion to the importance of them. And in order to restore that internal peace, which the inconsiderate zeal of Leisler had destroyed, a general pardon was granted, and all prosecutions on account of the late disorders were prudently discharged. The governor departed for New York on board a frigate, which was ordered to remain for the protection of its coasts.<sup>60</sup>

But the continual solicitation of that province for the annexation of the Jerseys proved not equally successful, because this measure was opposed by the Proprietaries, who claimed a right to a power of government which they were too feeble to exercise.<sup>61</sup> And those Colonies remained for several years in a state of independent insignificance, since they were protected by their neighbours from external attacks, and exhibited no domestic scenes that attracted the notice of the world.

As early however as May 1689, Pennsylvania was deemed worthy "of the consideration of Parliament, for bringing it into a nearer dependence on the Crown." But other more interesting objects engaged the attention of the legislature at that critical period. And this province continued till February 1690, under the misrule of Blackwell, who, though trained under Cromwell, was unable to govern the Quakers, because he did not regard their principles, who deserted a colony, which he could neither frighten nor command. The ministers of England, perceiving how easily such a people might be conquered by an enemy no less politic than daring, determined in October 1691 to annex Pennsylvania to some neighbouring province, and to take it into the "immediate government of the King."<sup>62</sup>

If from Pennsylvania, which continued nevertheless under the peaceful, and therefore unimportant administration, of a President and Council till April 1693, we look southward to Maryland, we shall find a similar policy adopted, more steadily pursued, and attended with more lasting effects. The Revolution was scarcely

achieved when the English ministers perceived that nothing could be more impolitic than to suffer distant provinces to be governed by men over whom a King of England could exercise only a feeble jurisdiction, where the most vigorous authority was the most necessary: And that remedy was advised, which could alone effectually eradicate a distemper which had grown inveterate from the length of its continuance. When the Lords of the Committee of plantations reflected on the present condition of Maryland and of other chartered Colonies, which neither held themselves subject to the Kings immediate government, nor deemed themselves accountable for their proceedings, they advised their master, in May 1689, to recommend to the consideration of Parliament objects so worthy of its care. But engaged wholly in projects which were deemed more interesting because more splendid, or distrusting the concurrence of the Commons, who were then deeply engaged in political warfare among themselves, William declined to pursue that salutary advice. And in the following September the Attorney General Treby was desired "to discourse the Speaker about Lord Baltimores patent."<sup>63</sup> Yet he probably received little encouragement to bring those complicated objects, wherein the rights of individuals and the prerogative of the crown were closely interwoven, before a jurisdiction, the wisdom and power of which were only equall to the arduous task of doing ample justice to both. And the tidings of the revolution in Maryland, and of the anarchy that ensued, were therefore received in December 1689 with a satisfaction equall to the anxiety with which a pretence was sought to justify predetermined measures. This extraordinary change was soon approved of, because it was wished for; and those who had produced it were directed to continue the government in the Kings name till further orders, because this policy relieved the ministers from their late embarrassments.<sup>64</sup> And they determined at length in October 1690 to send thither a governor of royal appointment. But the unquestionable

rights of a nobleman, the stubborn principles of English law, stood as mighty obstacles in the way. To be relieved however from those difficulties they consulted Holt, the renowned Chief Justice, who perhaps detracted from the greatness of his reputation when he gave it as his opinion;<sup>65</sup> "that though the forfeiture of Lord Baltimore's charter had not been found by the inquest of a jury, yet *being in a case of necessity*, the King may constitute a Governor by his sole commission:" Never reflecting, that the same statute, which had placed the crown on the head of William, declared; "that all grants of forfeiture *before conviction* are illegal;" that the plea of necessity had been often urged by the worst men for the worst purposes.

The zeal of Colonel Copley, who had secured the garrison of Hull for the prince of Orange, who had been since censured by the Commons<sup>66</sup> "for his arbitrary proceedings," was nevertheless rewarded in Germany 1690-1, with the government of Maryland. Yet his commission was drawn in the name of the Proprietary with the approbation only of the King, according to the advice of the Chief Justice, who distrusted his own opinion.<sup>67</sup> Lord Baltimore however with a firmness worthy of a subject of England refused to sign it, because he deemed it destructive of the rights of his charter. But with a prudence equal to his resolution he offered for the satisfaction of William to appoint a protestant governor of undoubted credit, to name protestant Counsellors, to place the power of the militia with the public arms in protestant hands. The church of England wrote the Bishop of London in favour of the Proprietary government from which she had derived security and freedom; addresses from the protestant inhabitants of every part of the province were transmitted in similar language:<sup>68</sup> But in vain. The ill founded accusations of the insurgents were credited, because it was hoped they were true. And a commission in the King's name was soon after submitted to Treby the attorney general for his approbation. Yet still distrusting the ground on which

the measure was founded, he refused his recommendation: Assigning as a reason what had done him infinite honour had he stood firm; "that as he understood the seizure of the government to be for necessity, he knew not the particulars of what was sent him were agreeable to the established laws or government of Maryland or absolutely necessary for its preservation."<sup>69</sup> The Commission, which that officer now refused to approve, notwithstanding his scruples and the vigorous opposition of Lord Baltimore was adopted by the Court<sup>70</sup> in February 1690-1, and signed by the Queen: Yet the ministers of William, still fearful of offending those laws which all were bound to revere, procured the explicit approbation of Holt, and even of Treby, whose objections had been removed in the mean time.<sup>71</sup> Nevertheless so conscious were the men of those days of the irregularity of this transaction that the Commissioners of the Privy Seal refused to pass the commission, till peremptorily ordered to proceed.<sup>72</sup> The great neglects of the government, whereby the peace is broken and the administration of justice is violated; the utter want of defence of the country, which is like to be lost to the Crown of England; the impossibility of defending it by any other means than taking the government into the immediate care of the crown: All were the reasons assigned by the commission for seizing the administration of Maryland, for justifying that signal exertion of power. The zealous friends of the Revolution exclaimed: "That it is a part of the liberties of England, because the safety of the subject requires it, that the King may not enter upon any man's possessions upon bare surmise without the intervention of a jury."<sup>73</sup> Had the recited facts been as true as they were assuredly groundless, they ought to have been proved to the satisfaction of his peers before Lord Baltimore's rights were taken away. Few countries had been governed with more real wisdom than Maryland during the long period from its settlement to the Revolution, and no people could enjoy more tranquillity and freedom than its inhabitants, till the demon of fac-

tion broke loose to destroy its peace and to distract its affairs. And to charge that nobleman with the anarchy which ensued was converting misfortunes that he lamented into crimes that others committed. At a subsequent day, long after the laws had been invaded with the approbation of those who ought to have defended them, a prosecution was ordered against Lord Baltimore, with a view to procure that verdict of a jury which ought to have preceded the seizure of his rights. But owing partly to the difficulty of supporting the facts, but more to the continued scruples of Treby, who refused to proceed without a formal order from the Privy Council, it seems to have been never carried on with effect: And on this occasion probably it was, that Lord Baltimore was outlawed *by mistake*.<sup>74</sup> While the powers of government however were thus taken away his private rights were not directly invaded. His lands, the quit rents of the soil, and all profits that were supposed to be attached to his person independent of his government were reserved to him. And royal orders had been transmitted to the insurgents "to suffer the Proprietary agents to receive his revenue and to transact his affairs." But the Committee of Safety, who then directed the affairs of Maryland found means to elude orders that it dared not disobey, because the members of which it was composed found the delight that mean men enjoy from the mortification of the great in showing their triumph over their late lord. Destitute of protection during the misgovernment of the insurgents, the friends of the ancient constitution prayed for the reestablishment of a government of laws and of their former happiness, with a zeal in proportion to the wrong that they suffered from a power, which they deemed an usurpation, because they had never consented to a change that they thought illegal. Copley departed for Maryland in the beginning of the year 1692. And to him the ministers of England referred the redress of the grievances complained of, which we shall find no longer remembered amid the tumult of party and the gratification of interest.<sup>75</sup>

Though causes similar to those which introduced into Maryland the remarkable change before mentioned, had long existed in North and South Carolina; though their condition had been proposed as equally deserving the consideration of Parliament; the administration was suffered to continue in the hands of the Proprietaries; because it was not deemed prudent to attack the rights of English nobles, who possessed the privilege of complaining, who could have interested a powerful body in their favour. North-Carolina seems never to have perfectly recovered from the fatal distractions, which Culpepper's rebellion had introduced, which were afterwards continued rather than moderated by the absurd tyranny of Sothel. And while the Proprietaries "abhorred the unjust actions of their governor" they endeavoured to promote their prosperity and peace by a salutary administration. With this honourable design they suspended Sothel, who had enfeebled their authority by disgracing it, and in December 1689 appointed Colonel Ludwell in his room, who to his vigour and talents added a perfect knowledge of the people. But with the querulous spirit of party his commission was questioned by some and his character was libelled by others. Under the government of a ruler who attended in some measure to the prejudices of the governed, they enjoyed however a considerable share of tranquillity; because they compared their present condition with their recent misery under a governor whom they had been obliged to expell.<sup>76</sup>

While this colony began to relish in some degree the blessings of order and regular government, because she had lately tasted the infelicities of anarchy, South Carolina plunged into fresh convulsions, since she was not yet convinced of the danger of innovation. A Country which claimed it as her chief privilege to be governed only by stated laws enjoyed at the era of the Revolution no acts of a provincial legislature as rules of conduct. She was then governed by martial-law, because her rulers dreaded the invasion of the Spaniards, though a dissatisfied people

feared nothing for themselves. And Colleton was detested by those committed to his charge in proportion to his endeavours to reform their manners, which is always dangerous, to his attempts to rule them contrary to their principles. During this state of the minds of men, Sothel, who had been justly expelled by the sister colony on the north arrived at Charlestown. Relying on supposed powers, as one of the Proprietaries, for which there was some foundation, and encouraged by the acclamations of a people who wished for change because they hated their present ruler, he assumed the administration in the beginning of the year 1690, notwithstanding the protest of the established governor and council who feebly endeavoured to support the authority of the other Proprietors. With the usual temper of usurpers he readily engaged to gratify the passions of those who had contributed to his elevation: And with this view he convened a Parliament in December 1690: An act of Banishment and incapacitation was immediately passed against Colleton; subjecting him to the same punishment as had lately been inflicted on Sothel by others. The Proprietary-Deputies who had refused to countenance the present usurpation, who had been arbitrarily displaced, were at the same time punished by fine and imprisonment. Thus shewing to the world, how little ashamed are collective bodies of men to sanctify those resolutions of interest or of faction, which as individuals they would reject with contempt or abhorrence. When the Proprietaries heard of those signal proceedings they recalled Sothel, because they considered his conduct treasonable, and in May 1691 they required his speedy return to England to justify pretensions, which a mind the most irregular could only have found. They dissented at the same time to the acts of Parliament before mentioned, as unconstitutional in their creation and unjust in their provisions. And with a spirit which does them honour they declared, "that had the charges against Colleton been proved they had made him an example to all future governors how they abused their trust." Fully satisfied at length of



the deplorable condition of this inconsiderable colony the Proprietaries extended the commission of Ludwell over the whole province of Carolina in November 1691. When they reflected that Sothel and the people had acted contrary to the fundamental constitutions, the validity of which was denied, they wisely determined "to make his instructions suitable to their charter." He was directed to inquire "of what grievances the inhabitants complain, and to let them know that right may be done;" to restore money illegally collected of them: But should he find the late offenders so numerous that it would be dangerous to punish them, to grant a general pardon, excepting a few of the most guilty, who were reserved for the animadversion of the law. From the era of the constitutions of Locke "the grand council" had exercised under their authority a very extraordinary power, similar to that of the Lords of articles in the Scottish Constitution, of preparing exclusively all bills for the consideration of parliament. But a law, so contrary to the genius of freedom, which gave that body the power of negating resolutions before debate, had ever been viewed with jealousy and submitted to with reluctance. And the people now clamored for an abolition of this badge of Slavery, because the pulse of independence beat high. The governor was therefore instructed "to call no such council till they consent that it may exercise the powers allowed by the constitution, since any other use of it was not easily discerned." The impolicy of erecting within the same province several distinct and independent governments was now fully perceived: And Ludwell was directed to summon delegates from every part of Carolina to meet him in assembly at Charles Town. But, independence is so flattering to the pride of men, that the ancient county of Albemarle refused to comply, because it chose to retain the power and to enjoy the pleasure of governing itself: And in this event he was empowered to appoint a deputy governor of North Carolina, who for some years ruled it with the feeble authority incident to delegated powers.

Thus Carolina underwent a change of considerable consequence during the year 1691: While the people of the South were exalted by the degradation of the grand Council, those of the North felt all the inconveniences of a government weak and unsteady, because it was dependent. That the Carolinians might no longer be seduced from their duty the Proprietaries announced the suspension of Sothel and required their obedience to Ludwel under the highest penalties known to the law."

The vigorous conduct of the Proprietors ensured an easy reception to their new governor in the beginning of the year 1692. But he soon discovered that this wretched colony was divided into two factions, besides smaller cabals, which contended for superiority, which embittered private enjoyment, and disturbed the public quiet: The one resolved "to oppose all that the Proprietors should offer," because it hoped for the gratification of every passion from a royal government: The other pleaded its late sufferings, and present attachments as its title to favour. By endeavouring to gain both Ludwel had not the good fortune to please either, because his manner was haughty, and he had little to bestow. The same snare which had ruined his predecessor, Colleton, was now laid for him, though not with the same success: He was offered a donation of a thousand pounds if he would consent to an act of indemnity for late offences. This fascinating charm seems to have so far biassed his better judgment as to induce him to prevent the effect of private suits brought for redress of private wrongs: But he was reprimanded by his masters, who, while they warned him of the fate of the late governor, assured him with a becoming spirit, that they never would consent to stop the course of justice. From the year 1689 the quitrents had remained in arrear, because the tenants were dissatisfied with their grants: And even the Proprietary-Deputies, who had lately suffered persecution for their attachment, were equally dilatory, because men only wish for a pretence to refuse payment of money. Though "the greatest enemies of

the Proprietaries denied not their right to the soil, yet they did not admit that they could dispose of it on such conditions as they thought proper." In order to close the wounds of a country, which, owing to all these causes, was then in no small danger of fresh convulsions, a Parliament was convened in October 1692. But the current of law flows to little salutary purpose when the source is polluted, because the fountain itself is corrupted. The Parliament soon appointed a committee "to draw up what they would have as a system of government:" But this effort was derided by the Proprietors as an instance of weakness in men, "who had disrespectfully rejected the excellent constitutions of Locke." The governor refused to concur in an act of general pardon, because his instructions had denied him power. The Proprietors dissented to an act with regard to the qualification of jurymen, because it was unreasonable, to one-giving a vote to every man whose riches amounted to ten pounds, because it was dangerous: But they cheerfully consented to "an act for better keeping the Lords day, and wished it were strictly executed." When they considered the lamentable state of their province in April 1693, they granted a general pardon for crimes committed prior to the publication of Ludwells commission, excepting Daniel and More; "in hopes that it might beget a resolution in the people to become strict observers of the laws in future." They ordered their receiver to compel every one to pay his quit rents; without reflecting that they by this means laid the foundation of future controversy. And they determined to govern according to the powers granted by the Charter, "till the people are disposed to be more orderly," because they "thought this policy safest and best." They listened at the same time with commiseration to the complaints of the French refugees, who inhabited Colliton County, whose religion and property were attacked while the legitimacy of their offspring was denied by the furious party-men of that province: But while they assured the afflicted, "that they would always find the Proprietors their best pro-

tectors," they put the present complainants in remembrance, that they had formerly joined their oppressors in opposition to the laws, who would again deceive, because they had formerly misled them. Neither these arts of the Proprietaries however, nor the futile endeavours of Ludwel proved successful, because former causes of dissention produced similar distractions. And he not long after abandoned a province, which he could neither please nor govern. Thomas Smith, a Cacique of Carolina, who had been appointed governor in November 1690, though he never assumed the office, who was esteemed by his countrymen for his good qualities, was now chosen by the Proprietary Deputies as his Successor, till the pleasure of their lords should be known. And he was appointed governor by the Proprietaries in November 1693. As the unalterable constitutions had been lately laid aside, because the people had contemned a system which had contributed to their misery, and had desired to be ruled only according to the charter, a form of government was now established by instructions extremely similar to that of the other colonies; though the former courts of justice and many of the ancient customs remained. But the payment of Quit rents which were now some years in arrear, and the tenure of lands which were extremely uncertain, because no common principle was acknowledged by the tenants and lords, formed a never ceasing cause of dissention in that turbulent colony. Every means were tried in vain to heal those disorders that the Proprietaries feelingly deplored, because the colonists were gratified by convulsions. And as the governor, though "a wise and sober man," could not satisfy the demands of the people, since it is impossible to gratify men who complain without any adequate cause, he gave warning in the beginning of the year 1694, to his constituents in language which paints the distractions of the times: "That it would be impossible to settle the Country except a proprietary was sent thither with full power to hear their grievances."<sup>79</sup> Placed during those distractions at a happy distance from the French on the

North, and living in amity with the Spaniards and Indians on the South, because the governors had been constantly directed to avoid hostility with both, Carolina was not afflicted with the evils of foreign war in superaddition of the miseries of domestic discord. And the Carolinians neither contributed to the assistance of other colonies nor gave aid to England while she struggled in an unequal contest for the safety of all.

## AUTHORITIES AND NOTES.

'Ralph and his authorities.—'Lord Shrewsbury's circular letter. *Virg<sup>a</sup> Ent.* 4 v. 244-6.—' *Virg<sup>a</sup> Ent.* 4 v. p. 247-83. During the examination of these complaints against Lord Effingham, he informed the Lords of the Committee of Colonies: That he had left Virginia in peace and plenty under the administration of the President of the Council, and that the militia which he had lately reformed amounted to 3000 foot and 1300 horse; consisting of the free holders and house keepers. *Virg<sup>a</sup> Ent.* 5 v. p. 1.—' *Journ<sup>l</sup> plant. off.* 6 v. p. 218.—' *Com<sup>s</sup> Journ<sup>l</sup>* 10 vol. p. 138.—' *Virg<sup>a</sup> Ent.* 4 v. 283.—Nicholson's commission was general and concise; empowering him to govern Virginia till the arrival of the Commander in chief: And he was allowed as a salary £500 from his appointment till his arrival in his province; from that event till the arrival of the chief governor at the rate of £1000 a year; and afterwards £300 a year. *Ib.* p. 302-4.—' The letters and addresses of the governor and Council in *Virg<sup>a</sup> Ent.* 5 v. p. 10-27.—' *Laws* p. 155-69.—' *Virg<sup>a</sup> Ent.* 5 v. p. 84. In consequence of the address of the assembly there were ordered to be sent to Virginia in October 1691, two hundred barrels of gunpowder with ball and other stores in proportion. *Ib.* p. 99.—' *Ib.* p. 68-218.—' *Ib.* 99-107, 146-7.—' *Laws* p. 169.—' See the address in *Virg<sup>a</sup> Ent.* 5 v. p. 156.—' *Virg<sup>a</sup> Ent.* 5 v. p. 178-183, 193-4: The commissioners of the Customs remarked on this occasion; "that the penny a pound on tobacco exported to the other colonies and imposed by the statute of Charles 2d was not granted so much for raising a revenue as for preventing an unlimited trade to other plantations and thence to Europe." *Ib.* 189-90.—' *Mod. Un. hist.* 41 v. p. 544.

"See those facts in the state of New England under the government of Andros presented to the committee of Colonies in May 1690. *N. Eng<sup>d</sup> pap.* 5 v. p. 223.—The subjoined lists of the militia of New England as they were returned by their respective officers to Sir Edmond Andros in the year 1688 will shew the strength of that Country at the revolution. The detail is in *N. Eng. pap.* 5 vol. p. 202.

Massachusetts . . . . .	6570
New Hampshire . . . . . 4 Companies . . . . .	250
Main . . . . . 2 Companies . . . . .	144
County of Cornwal . . . . . 3 Companies . . . . .	201
County of Bristol . . . . . 7 Companies . . . . .	780
County of Plymouth . . . . . 6 Companies . . . . .	606
County of Barnstaple . . . . . 4 Companies . . . . .	471
Rhode Island . . . . . 4 Companies . . . . .	328
Providence . . . . . 5 Companies . . . . .	464
Connecticut . . . . .	3715
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The whole . . . . .	13,529

" Hutch. hist. 1 v. 370.—" The address is in N. Eng. Ent. 3 v. 182.—" A copy of the order is in the same papers p. 49.—  
 " The notices sent to the ministry from Boston. Ib. 50-96.—  
 " Bullivants curious diary in the same papers.—" Had these facts been recorded only by Charlevoix their authenticity might have been justly questioned, because they seem so extremely improbable: But the Conquerors were not ashamed to publish upon their return to Boston what degraded themselves; and this relation is literally copied from their printed Journal among the N. Eng. pap. vol. 5.—" Private letters from Boston among the N. Eng. pap. v. 5.—" Hutch. hist. 1 v. p. 397-8.

" The address from the General Court to William of the 29 of March 1689-90 informed him: That the little warlike stores found at the Revolution and a considerable addition since made were now nearly expended; and that the principal ships suitable for any naval expedition were now in England. The letter from Governor Bradstreet inclosing this address to Lord Shrewsbury, the Secretary of State, after speaking of their distresses, says: "We have resolved upon an expedition by sea to Port-Royal and other places adjacent under the conduct of Sir William Phips; it being the general opinion that there can be no end put to the Indian war without dislodging those ill neighbours the French: God succeeding this present attempt, it will greatly encourage an attack upon Canada, if his majesty be pleased to countenance the same and to afford assistance of shipping, with a speedy supply of ammunition of which we are in great want and can hardly spare sufficient to furnish this present expedition." On the 30 of May 1690 the Agents, Cooke and Oakes, represented to the Lords of the Committee of plantations: That as our Stores are lessened our necessities increase: We therefore humbly propose a Vessel to be dispatched with convoy with arms and ammunition, whereby we shall be enabled to defend ourselves: And if his majesty

shall think fit to attempt the reduction of Canada (now so pre'judicial to their majesty's Colonies in America) we shall with all cheerfulness give our outmost assistance thereto. The Committee soon after reported to William the various allegations of every one with regard to the state of New England; proposed that the merchants might be allowed to export thither a specific quantity of arms and ammunition; and that the admiralty should send a ship of defence for that Country. N. Eng. Ent. 3 v. 215-22: N. Eng. pap. 5 v. 453.—But the expedition against Canada was not mentioned, because it had been faintly proposed. It did not escape the military judgment of William, that a people whose ships suitable to any naval expedition were then at the distance of three thousand miles, whose arsenals were so empty, could engage in no considerable enterprize. And he did not bestow one thought on the conquest of Canada, because he was then engaged in a more important object the reduction of Ireland.

"N. York pap. 2 v.—" Phip's short account of this expedition N. Eng. pap. 5 v.—" Charlevoix 3 v. p. 118-19.—" Ib. p. 117.—" As the remarkable answer of Frontenac was not given in writing it has occasioned all the misrepresentations and controversies which verbal communications generally produce. The people of New England during those times lost no opportunity of wounding the reputation of Andros, their late governor, because they hated him as a tyrant. Actuated by this unworthy spirit Phipps assured the ministers of England: "That Count Frontenac had reviled him and those with him as traitors, for having taken up with an usurper and seized upon our governor, *that good Christian Sir Edmond Andros, who if he had continued in his government the French and English in those parts had been all one.*" [Phipps short account of this expedition N. Eng. pap. 5 v.] But Charlevoix has published the real answer "word for word from the letter written to De Seignelay, the minister of the marine:" [3 v. p. 117:] And the Paris Gazette of the 5 February 1691, confirms his reation.—"Private letters from Boston in December 1690.—N. Eng. pap. 5 v. p. 308.—" Ib.—" There is a copy of this law among the N. Eng. pap. vol. 5: It recites that a considerable public debt had been contracted in defending their majestys interests against the enemy which they were willing to pay: But that the present calamity and poverty of the country were great: The emission was prudently limited to £7000; which the colony engaged to pay "as the Treasury was enfeebled;" and no bills were to be under 5s. or higher than £5. They who have a curiosity to view one of the first paper bills issued within the British dominions may see one



N. Eng. pap. 5 v. p. 361: Mr. Hutchinson saw a five shilling bill of this emission in the year 1749 which was then only equal to eight pence lawful money.—"Hutch. hist. 1 v. p. 402.—"Ib. 395.—"N. Eng. Ent. 3 v. 158.—"The papers on this subject are recorded in N. Eng. Ent. 3 v. p. 188-96.

"Among other great persons, who promoted the designs of the agents, were the notorious Lord Wharton and that renowned political lady the Countess of Sunderland. Hutch. hist. 1 v. p. 389, 2 v. p. 13. Though the real causes of the disagreement between William and his ministers with regard to New England, or of the extraordinary influence of Mather, cannot be clearly demonstrated, yet they may be easily guessed. The general Court, writing to this Agent in January 1689-90, say: "We have endeavoured to make some provisor by this conveyance for the discharge of our *just debts* in England, and refer it to yourself and others our friends joined with you in Commission, *to make some suitable present unto sucl<sup>d</sup> of those honourable gentlemen who have befriended and assisted our affairs at the Court*, unto divers of whom we have written particularly." [Col. of pap. relat. affairs of Mass<sup>a</sup> by Mr. Hutchinson p. 576.] The governor and Council wrote in 1692, to the archbishop of Canterbury, the Earl of Nottingham, the Countess of Sunderland, Hugh Boscawen, John Hampden and Francis Charlton, "thankfully acknowledging the favour Mr. Mather the Agent had received from them." Hutch. hist. 2 v. p. 13. Nicholson and Fletcher, the governors of Virginia and New York, informed the ministers of William of that perhaps was not very agreeable to them; "that it was the universal opinion in New England, *that any thing could be procured at Whitehall for money.*" [See their letters among the papers of those Colonies.]

"See the various writings on this subject, which gave rise to a public controversy. N. Eng<sup>l</sup> pap. 5 v. p. 247-317.—"For all these facts and the solicitations of the charter see Journ<sup>l</sup> pl. off. v. 7;—and N. Eng. Ent. 3 v. 210-8f.—"There is a copy of this Charter annexed to the laws of the province. The draught of this patent has been attributed to several persons; to Somers, Locke and to others: "It is more probable that it should come from Mr. Blathwayt, says Mr. Hutchinson, because there are so many inaccuracies in it" Hist. 1 v. 411. There is the Draught of the charter proposed by the attorney general, the 8 June 1691. N. Eng. pap. 5 v. p. 543. That which was finally settled by Treby and signed by him the 6 of September is in the same v. p. 621: And there is a memorandum on it in Blathwayts hand: "This is Mr. Attorney's draught." And it was finally prepared by the Committee for

Colonies and presented to the Queen in Council, who approved of it. N. Eng. Ent. 3 v. 298.—“The agents prayed: That the assembly might be empowered by *express words* to raise reasonable taxes for the necessary support of the plantation.” N. Eng. Ent. 3 v. p. 256. For the General Court under the ancient Charter had no such authority. But could a King of England grant what he did not himself possess? The agents also proposed what is very remarkable: “That the charter should be confirmed by act of Parliament.” Ib.—“There is a paper of “observations on the intended charter for New England” in N. Eng. pap. 6 v.—worthy of the pen of Somers and probably written by him; which of this clause of the patent remarks: “The inhabitants to be considered as natural born subjects: But a right determined by the common law is of no advantage to be inserted here.”—“It appears from the minutes of a conversation which still remains in MSS. between Mather and Cooke, the two principal Agents, with regard to the appointment of the first governor: That the former having urged, that they ought to procure as good a man as possible, the latter made answer: NO. The worse the better; because it will make the people rise. That firm and Sagacious republican used his influence for upwards of twenty years after “to make the people rise,” because he did not approve of the Second Charter, and detested regal government as an Usurpation. “The Commission and instructions are in N. Eng. Ent. 3 v. p. 353–65: The concluding direction is remarkable: “As inconveniences may arise from printing, you are to provide that no person keep a printing press, nor print any book” &c, without special leave. The same clause was inserted in the instructions to all other Governors during the reign of William.—“Treby approved of this strange measure on the 27 of November 1691, because the sole command of the militia had been conferred on the King by 13 Cha. 2<sup>d</sup> Ch. 2. N. Eng. Ent. 3 v. 364. The colonists at an after day admitted the law: But shrewdly contended that the King had granted his power to them.—“Ib. 398.—“Hutch. histy. 1 v. p. 412.

“N. Yk. Ent. 2 v. 204–83. The two companies of soldiers then sent to New York were to be paid out of the revenue of England, till provision should be made for them at New York. Ib. 246. One hundred pounds was sent for presents to the Indians. Ib. 247.—“Coldens hist. five nations p. 91–100.—“Ib. 107–13.—“Ib. ch. 4.—“See the proceedings of the Convention and other transactions N. York pap. 2 v. p. 118; 337–8–60–449–94.—“Sloughters letter to the Secretary of State N. Yk. Ent. 2 v. p. 204–387–8.—“The address. Ib. 301.—“Laws p. 1–8.—“Ib. 299, and Colden hist. five nations p.

124.—" See the Councils letter to the committee of Colonies N. Yk. Ent, 2 v. p. 304-8.—" Schuylers journal in the Volume of Indian papers pl. off.—" Smith p. 108-9.—" N. Yk. Ent. 2 v. 321-62-8-423.—" Journ<sup>l</sup> plant. 7 v. p. 91.—" Ib. p. 63.—" Journ<sup>l</sup> plant. off. 6 v. p. 217-20-302.—" Ib. 304.—" The subjoined letter from the renowned Chief Justice Holt to Lord Carmarthen President of the Council, will exhibit a sad example how much the attentions of the great shake the firmest minds. [The original in the Maryland papers Vol 2. p. 9.]

MY LORD,

I think it had been better if an inquisition had been taken and the forfeiture committed by the Lord Baltimore had been therein found before any grant be made to a new governor; yet since there is none, and *it being in a case of necessity*, I think the King may by his Commission constitute a governor whose authority will be legal, though he must be responsible to Lord Baltimore for the profits. If an agreement can be made with Lord Baltimore it will be convenient and easy for the governor that the King shall appoint. An Inquisition may at any time be taken if the forfeiture be not pardoned of which there is some doubt.

I am &c.

J. HOLT.

Sergeants Inn, }  
3<sup>d</sup> June 1690. }

Lord Baltimore having refused to sign a Commission appointing Governor Copley in his name with the Kings approbation in conformity to the advice of Holt, because it was destructive of the powers of the Charter, a Commission of a very different kind was referred by the Lords of the Committee of Colonies to Treby the Attorney General in August 1690. And the following paper will not only shew his sentiments on that occasion, but that his temper was not quite so complying as Holts. [Same papers, No. 14-15.]

May it please your Lordships.

In obedience to your Lordships order of reference I have perused the draught of the commission therein mentioned and am of opinion as followeth: I understand the seizure of the government *to be for necessity*, as being the only means for preserving the province. The nature of the seizure only is, to take the government out of hands that neglected and endangered it into the Kings hands: But the laws and customs and the properties of the inhabitants are to be preserved as far as may be. I do not know whether or how far the particulars in this draught are agreeable to the laws and manner of gov-

ernment which have been settled there or may be prejudicial to the interests of the inhabitants. I did draw a Commission, general, reciting the confusion that was now there and the danger of losing the province to the Enemies, and the necessity of taking it into his majestys hands and thereupon constituting a governor there to govern according to the laws of the place (and as the administration ought to have been by the former governor) and to defend the province and take and apply the public revenue to that purpose. And I see no cause to depart therefrom, or to recommend this present Draught hereunto annexed; not knowing that the particulars therein contained are agreeable to the settled orders of government there, or absolutely necessary for the preservation of the province.

All which is humbly submitted to your Lordships great wisdom.

GEO TREBY.

1 September 1690.

"Ralph. hist. Eng.—" On the 15 of January 1690–1, the Privy Council ordered: That the Lord Chief Justice Holt and Mr. Attorney General do settle a draught of a Commission from His majesty; Lionel Copley to be governor of Maryland, according to such directions as were this day given them by his majesty at this Board. [Copy of the order in the paper office No. 23, p. 16.]—" See these facts in Maryland pap. plant. off. vol. 2. p. 45.—" See Trebys report before mentioned.—" Paper off. No. 23. p. 7.—" There is a copy of this Commission among the Maryland pap. 2 v. with these words indorsed: I approve of this commission—John Holt—and lower—Geo Treby.—" On the 2<sup>d</sup> April 1691, The Privy Council ordered: That the Commissioners of the Privy seal do forthwith dispatch the Commission of Lionel Copley as governor of Maryland, unless they have any reason for any further delay of it; in which case they are to acquaint the Lords of the most honourable Privy Council on tuesday next with their reasons for so doing. Paper off. No. 23, p. 11.—" Hobarts rep. 347;—Giberts Excheq<sup>r</sup> 132; Commentaries 3 v. p. 259.—" It was enacted by the Statute 11–12 Wm. 3 ch. § 26, that Charles Lord Baltimore may reverse his outlawry, being outlawed by mistake.—" Journ<sup>l</sup> plant. off. 6 v. p. 359; 7 v. 1–2.

" Journ<sup>l</sup> plant. off. 6 v. p. 211;—Car. Ent. 2 v. p. 157–201.—" For those facts see Car. Ent. No. 2, p. 172–198.—" Ib. 212–17–223–25–26.—" Car. Ent. No. 3, p. 1–12.

## CHAPTER III.

*Affairs of England.—State of Virginia at the arrival of Andros: His administration.—Government of Maryland seized by William without legal process:—Commission and arrival of Copley the first royal governor:—Proceedings of the Assembly; and disappointment of the province:—Provisional Commission of Andros:—And the prudent rule of Nicholson.—The miseries of Massachusetts at the arrival of Phipps;—his irregularities: The Indian wars;—and domestic regulations:—His recall.—Stoughton succeeds as Lieutenant-governor:—His prudent conduct:—Invasions and distress of the colony.—Deliberations of the ministers of England.—Affairs of New Hampshire.—Unhappy state of New York.—Invaded from Canada.—Wars and negotiations of the Five nations.—Troops and warlike stores sent from England.—Active administration of Fletcher: His conduct in Connecticut.—Factions and Intrigues.—Events of the War.—Prosperity of the City of New York.—The Government of Pennsylvania seized into the king's hands.—Fletcher appointed governor in the room of Penn.—His administration.—He appoints Markham his Deputy.—Public disputes.—Penn restored.—Subsequent proceedings.—Affairs of Carolina:—Archdale restores its tranquility.—Deplorable state of the Commerce of England.—Complaints.—The Board of Trade established.—Projects for enabling the Colonies to defend themselves.*

**D**URING the various transactions before recited Events occurred in England, among the most interesting in her annals. Though the contest for the dominion of Ireland was closed by the capitulation of Limerick in October, 1691, a consuming war unattended with the gratifications of victory continued. The national counsels were weak and unsteady, because the interested divisions of the great embarrassed every

department; the exertions by sea and land were feeble and unprosperous, because the secrets of the state were betrayed by men, who in achieving the revolution seemed to have renounced all moral principle as unworthy of politicians. The interests of commerce suffered beyond the example of former times, because it was unprotected and the minds and pursuits of men were turned to the singular objects which were then held up to the ambition of men. Amid the dissatisfaction and complaint, which, owing to these causes, pervaded every part of the three kingdoms, the greatest power of Europe attempted to restore the abdicated king by a powerful invasion, because it was hoped that his restoration would restore the former system of peace and good offices. Yet England, partly by accident perhaps more by exertions to which she had been thought unequal, not only repelled her enemies but cherished and defended even her transatlantic provinces the fate of which was involved in her own. When governor Andros arrived in September, 1692, he found Virginia in a state of tranquility. Yet owing to the distresses of the war, perhaps to the interestedness of the English merchants, the planters were extremely distressed, because neither their usual wants were supplied nor was their only staple purchased with the accustomed avidity. And while the exertions of every one were thus discouraged he found the public revenue greatly in arrears, because it decreased in proportion as the commerce of the colony was interrupted. He distributed among the militia the arms and ammunition, which William had granted equally to the prayers of the assembly and to his solicitations, which the endeavours of his predecessor had been unable to discipline. Yet during this unfavourable state of things he gave aid to a distressed neighbour. He transmitted £500 to the governor of New York, who asked for that aid which the common Sovereign of both had commanded him to give, from a fund already overburdened.<sup>1</sup> In order to consider the state of the colony the Assembly was convened in March 1693. It suspended the execution of

the act for ports, because it thought that innovations in political Economy during domestic distresses are dangerous. It passed an act "for the encouragement of Fulling-Mills;" in order to procure at home a supply of clothing which the manufacturers of England seemed unwilling to provide. And it strengthened the frontiers against Indian attacks by "continuing the rangers at the heads of the four great rivers:" Judging wisely that it was of more importance to prevent misfortune than to alleviate distress.<sup>3</sup>

Andros again called an Assembly in October 1693; in order to submit to its consideration the Queens commands. It continued to encourage the manufactures of the colony, though a late act, proceeding from similar policy had been dissented to in England, because it was deemed inconsistent with her interests. With a laudable spirit it "ascertained the place for erecting the college of William and Mary;" establishing at the same time a small revenue for its support.<sup>3</sup>

But to two laws recommended by their Sovereign the Burgesses refused their assent: assigning as reasons what shews the state and prejudices of the province; that as to the bill for ports they deemed it burdensome during the present distresses; that as to that prohibiting the exportation of bulk-tobacco, it would be equally prejudicial to the interests of their Majesty and the country.<sup>4</sup> Thus the Burgesses sternly denied to the requests of the gentle Mary which they had refused to the ungracious James: And thus evincing to all rulers that it is in vain to recommend laws to a people unless they are previously instructed in their policy, or are convinced of their use. Yet at a future day we shall behold the supreme legislature of the state applying that remedy to a disease which wasted the national commerce which was now asked for from a territorial assembly without success.<sup>6</sup> In the meantime the defenceless state of Virginia had been regarded in England as meriting attention. Arms and warlike stores of great value were sent thither, in consequence of the solicitations of the

Governor, who was ordered to pay for them out of the royal revenue of quit rents, because that dominion then complained of its poverty.<sup>6</sup> But informations having been received that an illicit trade was carried on with Scotland and other countries Andros was directed "to hire vessels to cruize against illegal traders." And every endeavour to procure colonial aid for New York having failed of the desired success, as the several provinces had either refused or neglected to adjust their several proportions, the various quotas of men and money were apportioned by William in August 1694, and the governor was ordered to furnish that of Virginia.<sup>7</sup> It was deemed just, that as New York formed a barrier which ensured that dominion an advantageous peace during the war, it ought in return to grant equivalent aid.

With a view therefore to lay the requisitions of his sovereign before the assembly Andros again convened it in April 1695. To its consideration he now recommended the supplies for New York, suitable salaries for the clergy, and proper encouragement for the College. The Burgesses thought however the established stipends of the ministers sufficient. They referred the provision for the college to a future assembly. But while they regretted the poverty of their own country, and the annual expence in defending its frontiers, they could not perceive the advantages which was supposed to result to them from the exertions of their neighbour which did not protect their borders. And they declined to comply. Yet the importunity of the governor at length extorted a law empowering him with the advice of the Council to apply £500 sterling to the assistance of New York, should it be found necessary.<sup>8</sup> And to William they represented in language, which evinces as well the state of the colony as the spirit of the people: That though the safety of New York may add to their security, yet being reduced to a very low condition by their debts, and the daily apprehension of an attack from foreign Indians, putting them to great charge to



secure their borders, together with the poverty of the inhabitants owing to the low price of tobacco, they are become utterly incapable of affording any aid to that Colony: And they prayed therefore to be exempted from all contributions of that nature. In conformity to this request Andros was ordered at an after day to transmit the £500 granted by the Assembly, which should be considered as the quota before mentioned till further orders.<sup>9</sup> Nevertheless the Burgesses with a becoming spirit not only supported the usual number of rangers at the head of the four great rivers, James, York, Rappahannock, and Potomack, but granted a supply for an additional company; which had been raised during the preceding year upon the appearance of "strange Indians" on the skirts of the Colony. They conceded what was usual and necessary; they refused what was new and of uncertain utility. But before the orders of William granting an exemption arrived, the pressing solicitations of the governor of New York had induced Andros to direct the quota of men to be sent thither by sea, because he had received repeated orders, which as a Soldier he deemed it a point of honour to obey. The Burgesses however who assembled in the beginning of the year 1696 disapproved of a measure that it thought "of evil consequence:" And arguments were used to no purpose to persuade them to grant any further aid to a distressed neighbour, since they saw not the good that was to result to the Virginians from her exertions.<sup>10</sup> Andros considering the before mentioned supply of the Assembly as inadequate either to its ability or to the wants of New York transmitted thither £600 with directions to levy men in that colony; without reflecting that it was already exhausted. Sensible of the royal favours in suspending the quota, in paying for warlike stores and in supplying the deficiencies of the ordinary revenue, and of the quit rents, the Council gave thanks to that monarch, grateful not so much in proportion to the amount of the sums which he contributed to the public service, as to his ability to

give. During the administration of Andros Virginia enjoyed the blessings of profound tranquillity, attended however with that insignificance, which neither affords matter to the Annalist, nor adds anything to the renown of nations: She neither complained of grievances nor felt any; except the depreciation of her only staple which necessarily arose from European warfare; except from the distresses that must ever result from the indolence of a people who feel not the energy of the commercial spirit. And Andros has written his own panegyric by ruling a placid province with that success as to transmit few materials to history which has been unjust to his fame.<sup>11</sup>

The neighbouring Colony on the north had meanwhile undergone a considerable change. Governor Copley found the convention of Maryland sitting when he arrived in April 1692. And having announced his new authority he instantly dissolved it. While his commission and instructions seemed to respect the laws, the fabrick of government which was now erected was built on the supposition that neither the Charter nor ancient Constitution had any existence. With the same spirit which dictated this unworthy policy, the Council and the various offices were filled with those who had been most active in procuring the present change; excluding from the government the most experienced and respectable of the inhabitants. In pursuance of his powers he soon called an assembly; which during the present ferment was filled with those who were ready to support with their votes whatever should be given them in charge.<sup>12</sup>

Copley harangued them in language extremely suitable to the present state of the minds of men. He enveighed: When the King upon your address to have a protestant governor had declared his gracious intentions of sending me among you, you are sensible of the restless endeavours of some persons to obstruct it: Yet the difficulties and hazards I run through did not at all daunt me from hastening to you, proposing chiefly to myself the satisfaction of seeing a foundation laid for a

lasting happiness to you and your posterity: The making of wholesome laws and the laying aside of animosities will go far towards it. And he concluded with what formed the substance of all speeches during those days, with a demand of liberal supplies for supporting the honour of the post with which the king had honoured him.<sup>13</sup> And the Delegates not only returned him thanks, but with an uncommon strain of liberality rewarded "his hazards and dangers" with what was of more real importance. They gave him a present of one hundred thousand pounds of tobacco; they conferred on him alone by an indefinite law the revenue of one shilling on each hogshead of tobacco exported, which from the year 1671, had been a competent salary for the governor and a suitable encouragement to the counselors; they gave him an additional duty of three pence on every hogshead during three years; while taverns were regulated the money thence arising was added during the same term; at the same time that naval offices were established considerable fees were ordered to be paid to him: And as if there could be no end to their bounty the fees of officers being regulated he was allowed considerable perquisites.<sup>14</sup> Yet amid this unexampled profusion, the old remembered the speech of Lord Baltimore's last governor, who informed them in very different language, that he had nothing to ask, but was ready to assent to such salutary laws as they might think proper to enact. Nor did the Burgesses stop here: They conferred one hundred thousand pounds of tobacco on Chelseldyne, the speaker, and ten thousand pounds on Jowles, the commander of the troops, because to their zeal and activity the present change was greatly owing.<sup>15</sup> A duty of four pence a gallon on liquors imported was imposed; as well for discharging "the debts of the late government by a committee of safety and the pay of the soldiers, as for the repairing of Court houses and prisons, for the raising a better allowance to Counsellors and judges of the provincial court and the payment of an agent in England." Copley with a dis-

ingenuity unworthy of his station but characteristic of the man, concealed that part of his instructions which required him "to permit Lord Baltimore to receive the duty of fourteen pence a ton on shipping." This revenue which had been received from the year 1661, as a part of the private estate of that nobleman, was now invested by the assembly in their Majestys for the support of government: The Burgesses stoutly insisting that many of them remembered "how the same was granted for the countries use, which ever was called fort duties and not port duties, and according to the intention of the law-makers doth belong to the Crown." Lord Baltimore's agents were ordered to collect no longer these taxes till the royal pleasure should be known.<sup>16</sup> But that nobleman's spirit was not so broken by misfortunes as to sink under a persecution as unjust as it was unmerited. And he applied to William for protection. The solicitor general Trevor reported: That upon the words of the act this duty belongs to Lord Baltimore to be received to his private use, and it would be of most dangerous consequence to admit parole proof of the intention of the law-makers, different from the words of the law, so the assembly admitted that this duty belonged to him by desiring the royal assent to an act to invest it in their Majestys. The privy-council did honour to itself when it confirmed this report in February 1693.<sup>17</sup> And the self-denial of William in refusing though he was poor the spoils of an individual when pressed on him by a popular assembly actuated by unworthy motives adds more to his fame, than the most glorious of his victories. The assembly in its hatred of popery at this time laid the foundation "of the establishment of the protestant religion:" The counties were for the first time divided into parishes laid out; Vestries were established; forty pounds of tobacco were imposed on every taxable for the use of the minister: And the Church of England was declared "to have and enjoy all her rights and liberties wholly inviolate as she now is or shall be established by law."

Yet it required a considerable length of years to perfect this system, because it was opposed by protestant dissenters, who thought their zeal ill-requited in being reduced nearly to a level with papists. Among a variety of other regulations this law enacted; "that the great charter of England shall be observed in all points."<sup>18</sup> But when the acts of this session were laid before the Solicitor General Trevor at a subsequent day he found no objection to any except the clause introductory of the great Charter: Giving as a reason what shews how little he had studied the jurisprudence of Maryland; "that he knew not how far the enacting thereof will be agreeable to the Constitution of the province or to the royal prerogative." And this law was disallowed by William, because he was advised "that the clause objected to by Trevor was of a different nature than what is set forth in the bill."<sup>19</sup> When the real patriots of the colony looked back on former times they remarked with a sigh: That under the great founder of the Colony, and his successor against whom they lately revolted, the colonists had enjoyed Magna Charta as the cornerstone of the Constitution. The present rulers, conscious of the arts by which they had got into power and anxious least similar means should be used to lessen their importance, procured a law "against the divulgers of false news."<sup>20</sup> Having thus provided for internal quiet, they thought it prudent to guard against foreign invasion, by "regulating the militia." A long list of various regulations, either redressive of present evils or introductive of useful regulations, was closed by an "act repealing all laws theretofore made."<sup>21</sup> Nor could any measure be more necessary in a province, where so great a change had been introduced directly contrary to the charter and to the fundamental laws. The assembly did not forget, because Copley was their faithful monitor, "to return their humble thanks to William for redeeming them from a tyrannical popish government; for taking them under his immediate protection; for sending them a protestant governor, whose loyalty and integrity

had been experienced; for transmitting the Colony a supply of warlike stores." <sup>22</sup> Yet it was asked by the aged, what had Maryland acquired besides a protestant governor? The ancient Constitution under which it had flourished was shaken to the center; that unanimity so often recommended by Cecilius the wise, which had given it wealth and greatness, was destroyed; unexampled taxes were imposed for the gratification of unworthy objects, the indubitable right of the provincials to the great Charter and the invaluable privileges which it declares and enforces, had been denied. This province adds one more example to the numbers to be met with in history of countries, which amid their public distractions, have thrown behind them the substance they possessed, in order to grasp the shadow they could not enjoy.

Notwithstanding the various reports of an intended invasion of foreign enemies which the late council of safety had propagated to terrify the people, Maryland happily did not feel the miseries of that dreadful scourge in superaddition to the infelicities of civil discord. Agreeably to the laudable custom of ancient times Copley renewed the annual league with the domestic tribes. The province only felt the common inconvenience experienced by every part of the Empire, by having her commerce interrupted and the price of her chief commodity considerably diminished. The governor and Council, hearing of the distresses of New York contributed one hundred pounds towards their alleviation, and with a spirit worthy of imitation they professed their readiness to give further supplies in proportion to their abilities. While Copley extended his inquiries to other colonies he gave warning to his Sovereign that the province over which he presided "never would be happy till Lord Baltimore's interest was bought out," because while his connexion continues his party will be considerable.<sup>23</sup> The decease of the governor in the subsequent year extricated Maryland from an administration as remarkable for its violence as for an interested-

ness that had sullied the reputation of a man but disgraced the magistrate.

When former inconveniences as well as the critical state of Maryland were considered it was deemed prudent to give Andros a provincial commission as commander-in-chief over this province, in case of the death or absence of the governor. Upon the decease of Copley in September 1693, he hastened thither; as this event had given energy to a power which had meanwhile lain dormant. What sagacity had foreseen, experience now discovered to be perfectly just. For "the greatest contests had arisen who should be President of the Council," and thereby exercise the chief authority, because man is everywhere ambitious and contends for preëminence. But all submitted to the commission of Andros to which there could be no objection. He dissolved the Assembly which was then sitting; he decided the controversy with regard to the Presidency in favour of Greenbury; he confirmed all officers, except Blackiston the judge for probate of wills, who had neglected his duty.<sup>24</sup> In pursuance of the orders of his Sovereign he transmitted to New York an aid of £250 sterling from the revenue for the support of government. And he soon departed, leaving the province in peace, under the care of the President of the Council. He returned thither however in May 1694. And he reinstated Sir Thomas Lawrence, the Secretary, who had been overborn by the violence of Copley, who was now appointed Chief Justice and President of the province. Under the administration of this man, no less remarkable for his good sense than for his spirit and moderation, Maryland enjoyed great tranquillity till the arrival of Nicholson, who was not long after appointed his successor.<sup>25</sup> Nevertheless the Assembly, animated at an after day by a spirit of caution, which often creates a doubt with regard to the validity of transactions that admit of none, passed a law "for confirmation of proceedings, judicial, civil, and military, from the decease of Copley, till the arrival of the present governor."<sup>26</sup>

In the meantime Maryland profitted from an illegal traffick. The merchants of London complained that a direct commerce was carried thence to Scotland and Ireland, which was equally injurious to them and to the revenue of the State. And orders were transmitted "to hire a light vessel to prevent this in future," because their complaints appeared to be just.<sup>27</sup> Situated at an envied distance from Canada and protected by the mighty barrier formed by the North Eastern colonies but above all by the Five Nations, Maryland during the present war never felt the stroke of an enemy.

Nevertheless the departure of Maryland from that prudent policy which had reared her to youth gave the neighbouring colonies an opportunity of profitting from her rashness. Nor did the arrival of Nicholson, who was appointed her ruler in December 1693, because he had given satisfaction in Virginia, stop the emigrations that had been put in motion by the late disorders: They continued, because the friends of the ancient Constitution, though the descendants of the original planters, were oppressed by the subsequent administration, composed of new men and therefore insolent. And that gentleman found the province greatly indebted even from the dissolution of Lord Baltimore's government, and distracted by divisions, which he tried to no purpose to unite. In vain he tried expedients to remove what he greatly deplored, while those whom he described as "the ablest men for parts and estate" were unjustly excluded from trust and even deprived of the common rights of Englishmen. To these infelicities others were added of a very distressing nature. A considerable part of the only staple of the province remained unsold "for want of ships to carry it away." A languid commerce was little able to supply the inhabitants with those various domestic necessities which they wanted the most. And infected by the example of Pennsylvania they attempted to establish manufactures and continued an illicit trade, as contrary to the laws as to the interests of England, whilst unaided she was fighting their battles.



At the same time that Nicholson informed the ministers of William, "that the English merchants discouraged the planters" the former complained of the others irregularities so inconsistent with their views. And the governor was instantly commanded "to hire vessels to cruize against illegal traders," because the clamour of merchants is in England attentively heard. It was to little purpose to apply to the provincial Courts of justice, since it was almost impossible to find judges or juries to condemn that as unlawful which was universally deemed so convenient.<sup>28</sup>

In order however to apply remedies to these and to other evils Nicholson called an Assembly in September 1694. To the Delegates he recommended what promoted at once his own popularity and gained the favour of his prince. The public proceedings from the death of Copley were now confirmed, though it seems not easy to frame any valid objection. An act was passed "for the encouragement of learning and advancement of the natives of the Province." By excluding those from offices of trust who had not resided for three years in the Colony this first drew an unjust distinction, between colonists and Englishmen which was afterwards felt and complained of. The public quiet and private peace were both ensured by a law "for quieting possessions." External security was promoted by an act "for appointing Rangers for the defence of the province." Though the domestic Indians had been reduced by European diseases and vices to a number extremely insignificant, it was now deemed prudent "to prohibit the inhabitants from carrying liquors to their towns." Whilst a mode was established for procuring speedy justice for small debts, an act was past "for the relief of Debtors." "Free-schools" were for the first time erected and taxes imposed for their maintenance. Punishments were inflicted on crimes dangerous to the purity of manners: Regulations favourable to the provincial commerce were introduced. But at the same time that the intentions of the Assembly were laudable it did not always pursue

the steps which good policy directed: Far from checking the desire of Emigration, it imposed duties on the importation of white servants and negroes; and the general rule of taxation was on the products of the Colony exported rather than the importation of foreign luxuries or the estates of the inhabitants. As if the former revenue was not sufficient there was now granted to the governor three pence a hogshead on all tobacco exported for the term of three years. This session is remarkable not only for the good sense of its policy but for adopting preparatory measures for removing the ancient seat of government from the City of Saint Marys to Annapolis the present Capital. But as Maryland was happily exempted from the vicissitudes of war and unanimity reigned in the legislature, since exemption from grievances promoted confidence, the administration of Nicholson will contribute few materials to history.<sup>80</sup>

In the meantime however the Queen repeated her injunctions to send a specific quota of aid to New York upon the requisition of its ruler.<sup>81</sup> Though this colony had experienced in some degree the former bounty of Maryland, Fletcher did not think it equal to what his ardent mind had fondly expected. And during the summer of 1695 he repeatedly demanded the one hundred and sixty men, which had lately been appointed as the measure of assistance by the Sovereign of both. The administration of Maryland, fearful of attacks from foreign Indians, and feeling her weakness, refused to comply. Yet the assembly in October 1695 gave a small sum<sup>82</sup> of money in lieu of what had been clamourously asked. And it resolved at the same time in language which shews the temper of the people "that no further answer or assistance be sent to New York till the King's determination should be known." To William the assembly transmitted an address; "thanking him for his former favours, and requesting to be exempted from further payments to New York, because of the indigency of his poor subjects." It represented

to the Lords Commissioners of Trade, "that the sums formerly remitted had extremely impoverished a people, who, in the war with the Indians which was daily expected, saw nothing but ruin: And in the plaintive tone of those days it begged for pity and for intercession with the King for his discharge from further aid to a neighbour, as they could scarcely defend themselves."<sup>33</sup> Nor was this the mere voice of declamation, which is too often substituted for truth. Maryland was then debilitated no less by the successive failure of two crops, than by her total want of commercial ardour. And engaged in the establishment of the Church of England and in the erection of a new Capital, various taxes had been imposed for the completion of projects that were perhaps beyond the abilities of a feeble community.<sup>34</sup> Amid these infelicities the colonists had the satisfaction to be told by the Lords before mentioned, that while the other colonies disgraced the English name by their piracies, no imputation had been cast on them. Yet a species of illegal trade had rooted in their policy, had grown up to maturity, the fruit of which was at length claimed as part of the common law of the country. And the governor in the moment of his zeal solicited a general pardon for men, who did not deem themselves criminal.<sup>35</sup> The public tranquillity was in some measure interrupted during the year 1697, by the profligate intrigues of John Coode, who had commanded the insurgents that achieved the revolution, and who attempted a similar change by overturning the government of William; since he was too wicked to be rewarded. But he was not now supported by the same popularity, and similar arts were at this time unavailing because every one yet felt the sad consequences of recent occurrences. Being indicted of treason and blasphemy that restless incendiary was driven at length unpitied and friendless from a province, whence he had so lately obliged others to flee.<sup>36</sup> The governor gave warning to the ministers of England, that while any hopes remained of the restoration of Lord Baltimore's government Maryland would enjoy

perfect repose. During the four years that Nicholson ruled over Maryland he enjoyed the singular felicity of acquiring equally the approbation of his sovereign and the affections of the people. And his good conduct was rewarded in the year 1698 by his promotion to his government of Virginia. He departed: Leaving Maryland in profound peace, extricated from her late embarrassments, and cultivating a gainful commerce, unexampled in her annals.

Meantime few countries were ever reduced to a condition more truly deplorable than was Massachusetts in the beginning of the year 1692. Its North-Eastern borders had been frequently ravaged by a cruel and well directed enemy, whose depredations could not be prevented or even avenged; its coasts continued to be infested by the cruizers of France, which ruined its commerce; the imprudent expedition against Canada had involved it in debts, which affected the general credit, and made it difficult to raise the supplies for carrying on a war from which so little advantage is ever acquired; its internal quiet was disturbed by the arts of a powerful party that was enthusiastically attached to the pristine charter and forms: But above all "the apprehension that the Devil was let loose among them" affected greatly the minds of a people who had long reprobated every recreation as sinful. Amid all these embarrassments Sir William Phips arrived at Boston in May 1692. And he was received with affected pomp by men, who had prudently resolved to derive every benefit from an innovation that they could not prevent. The new Charter and the royal Commission were soon formally published. But the old beheld with sorrow the venerable Bradstreet, who had for such a length of years conducted the administration under the ancient government, resign the chair of authority to his unwelcome successor. The present change was however scarcely perceptible: Almost the same men continued in power; the laws and customs of former times remained: And the spirit of the people, which has everywhere

so great an influence independent of all municipal rules, had undergone little alteration.<sup>87</sup>

The first attention of the governor was attracted to a kind of madness which had for some time afflicted the province. As early as February 1692 many persons accused of witchcraft had been committed to prison; though the late administration animated with an unusual moderation, had permitted none to be tried. But Phips in an evil hour was prevailed on to issue a special commission, at the head of which was placed Stoughton the Lieutenant-governor, a man of prudence and capacity, to inquire into the truth of accusations, that threatened the destruction of the Colony. During the first session an ancient female was alone found guilty upon evidence which satisfied a credulous Court; and was soon after executed. Yet the governor entertaining some scruples thought it prudent to follow the practice of primitive times and to consult the principal ministers on the State of the province. With a rashness unbecoming their function these men resolved; "that the people were then suffering by molestation from the invisible world:" And with a spirit unworthy of the ministers of peace, they recommended the "vigorous prosecution of such as had rendered themselves obnoxious, according to directions given in the laws of God and the wholesome statutes of the English nation for the detection of witchcrafts."<sup>88</sup> Invigorated by an advice which had the effect of commands, the Court proceeded with the greatest zeal and despatch. And nineteen miserable objects were found guilty and executed: Protesting their innocence with their last breath. The governor having however at length discovered what he ought to have foreseen, "that the devil had taken upon him the shape of persons to his certain knowledge of good reputation," because Lady Phips was struck at, put an end to prosecutions that had already raised a prodigious ferment, till he should receive the royal directions. Foreseeing that an unextinguishable flame might be kindled he prudently prohibited the printing

of discourses on this perplexing subject. William was no sooner informed of the miseries of Massachusetts than he gave orders, "that in future trials for witchcraft the greatest moderation and care be used, as far as the same may be no impediment to the ordinary course of justice:" Approving at the same time of the endeavours of the governor for putting an end to the afflictions of his people.<sup>39</sup> Yet it was not till from the numbers and quality of the accused that the feelings of many were touched, that the thick cloud began to pass away. And what is extremely remarkable, the minds of the juries became enlightened before the spirit of the judges was illumined. What reflects disgrace on the province, it was then doubtful, but is now certain, that there existed no law in Massachusetts, for putting supposed witches to death. And that monarch with a liberality which does him credit refused his assent at a subsequent day to an act passed to supply that defect. The Assembly however did justice to the colony and to individuals when at the distance of twenty years it granted to the defendants of the innocent sufferers a compensation for the loss of their estates; since they could not restore the lives which the present frenzy had taken away.<sup>40</sup> The enlightened few remarked: That when we reflect on the unerring assertions of holy writ, we must believe that witches once were; when we consider the numberless delusions and impostors that have imposed on the wisest nations we ought to disbelieve that witches any more exist.

In the meantime the Indian war, so perplexing and destructive continued. York, which of all the Towns of the province of Main had alone escaped former devastations was sacked in the beginning of the year 1692. But a considerable party sent to its relief compelled the enemy to retire with loss and disgrace. In order to avenge this insult the governor himself marched to the frontiers with a greater force, when the French and Indians disappeared, since they could not meet him in battle. In pursuance of his orders he now rebuilt the

fort of Pemaquid, the ancient English boundary, on that extremity of New England, at a considerable expence: And here he placed a garrison, which was maintained at the charge of the province, though contrary to its inclinations, because it was deemed unimportant. He at the same time sent out parties to attack the Indians in their fastnesses, who destroyed without resistance the little that Indians possess. This decisive conduct soon induced the Tribes to think of peace, because they began to distrust the promises of France, and were tired of a war which had already proved fatal to so many of their chiefs. And it was on this occasion that he obliged the Acadians whose consciences have so often been the sport of fortune, to renew their oaths of allegiance to the English Crown.<sup>41</sup>

From these scenes of warfare Phips hastened to meet the Assembly in November 1692. Among other objects of importance he recommended "to settle such a good body of laws that no person coming after him might make them uneasy." At a former meeting for the nomination of officers, in which the governor weakly allowed others to exercise his power, the ancient laws had been continued in force to the present time, because it was supposed that the publication of the new Charter had destroyed their efficacy. But to frame a system of rules for a people is a task of all others the most difficult. And no complete code was enacted. Various laws however were then established, which at an after day engaged much the attention of the wisest ministers of England, either to approve as salutary, or to disallow as improper. An act declaring the general privileges of the province, and copied chiefly from the great Charter of England, is extremely remarkable, because it was an attempt to form a bill of rights. But it was dissented to by those who ruled in the absence of William for a singular reason: "Having exempted lands from escheat or forfeiture, which with other privileges having never been granted by his Majesty, it was not fit in his absence to allow." The act establishing a naval office

was repealed: The Privy Council assigning this remarkable cause; that the powers therein given are reserved by divers acts of Parliament to such officers as shall be appointed by the Commissioners of the Customs: And Phips was at the same time warned that such an officer had been appointed by them and he was ordered to assist him in the execution of his duty. The system of Criminal law was also repealed, because it had been copied too much from the law of Moses and too little from that of England. The act for securing the liberty of the subject was dissented to for this memorable reason; that the benefit of a writ of habeas corpus was a privilege which had not yet been granted to any of the Colonies. It is difficult to decide whether the Assembly or the Privy-Council were most to blame in this transaction: The former, by bringing into question the right of the subject to personal liberty, the most valuable of all privileges, by making an act where none was necessary: The latter, composed of the most renowned statesmen and lawyers, among them sat Sir John Holt, in supposing that an English Subject is entitled to freedom from a grant of a King of England. Many laws of local economy were either approved of or dissented to for various reasons. Two of these not only mark the spirit of the people but were probably the cause of effects as lasting as they were beneficial: That for the distribution of intestates estates gave the same equal payment to every creditor, and the same portion to all the children except the Eldest whose share was double: That subjecting the lands of the deceased to the payment of every debt, while the equity of its provisions did honour to the province, shewed a very dissimilar temper from that of the Colonies of the South:<sup>42</sup> And to these salutary regulations much of the populousness and commerce must be attributed. From promoting internal happiness by the wisdom of its laws the Assembly turned its attention to external defence: And it granted thirty thousand pounds to put the frontiers in a state of security. While Phips transmitted all these laws to the ministers



of William he informed them, that though a gratuity of £500 was conferred on him "Yet no salary is settled or intended." He transmitted a petition to that monarch; "begging for the royal recommendation which he suggested would easily procure that establishment which was so essential to his dignity and even to his existence. But though Sir William had been formally admitted into their Church little did he know the true temper of the people over whom he presided, or the deep policy, that was even then adopted, and that no future King or governor has been able to change. The miserable dependence in which that gentleman was kept, by obliging him to depart not only from rigid duty but even from common prudence was undoubtedly the true cause of his subsequent ruin.

The conquest of Canada had been so often urged by Phips and so much pressed by the Agents as absolutely necessary for the safety of the Northern Colonies that William resolved at length to send a powerful force, which promised equally to promote the glory of his reign and the security of his Colonial Subjects. He had early despatched a small fleet and army to the West Indies for their protection. In November 1692, he transmitted orders to Admiral Wheeler to leave that station and to repair to Boston with the troops under Colonel Foulke; so as to arrive at farthest by the middle of the subsequent June. And that naval commander punctually obeyed. On the 22d of February 1693, letters were transmitted to the governors of New York and Massachusetts; informing them of the royal intentions, of the approach of the fleet and army; and requiring them to represent this measure to their assemblies, that they might coöperate in an enterprize which had the advantage of all for its end. Lest any accident should happen to these despatches, Cox, who was described as a person of experienced prudence was detached by a different vessel, in order to explain more fully the intended measures. But he seems never to have reached America; the letters were not received

till July: And Wheeler brought himself the first intelligence of the projected expedition. A contagious distemper, so incident to the West India Climate had unhappily reduced the soldiers to six hundred and fifty, and the usual complement of sailors to one half. But change of climate had the most salutary influence on the health of every one; the ships were in perfect order; and ammunition and provisions abounded. All these favourable circumstances the Admiral immediately communicated to Phips and requested his opinion if his remaining force was alone able to attack Quebec. Having acquired knowledge from his unfortunate expedition of 1690 he answered: That the fleet should have sailed the first of July at farthest; that four thousand land forces were absolutely necessary; that it was not probable therefore that his armament could make any impression on a city, the fortifications of which had been considerably strengthened: But that the destruction of the enemies' vessels at Newfoundland would be a considerable service. The governor and Council at the same time gave him the detail of a new expedition against Canada for the information of his warlike King; requesting two thousand troops and an immense quantity of arms and ammunition for the use of the militia, to be sent from England in the subsequent year. Yet the ardour of Wheeler seems not to have been quenched by the coolness of his reception at Boston. Having received authentic intelligence of the weakness of Placentia in Newfoundland he determined to attack that settlement, and asked a reinforcement of four hundred men. But while Phips professed his readiness to do anything in his power to promote his design he declined to grant his request: Assigning as reasons, "that the militia could not be sent out of the province without the consent of the Assembly; that an expedition which was intended for the security of the eastern frontiers would require a considerable number; that the contagious distemper had discouraged the people from entering on board the fleet. Wheeler departed: Remarking in the

moment of chagrin, that the real want of early notice furnished an insincere people with a fine excuse for declining what they had no real intention to perform. Thus miscarried an expedition, which cost England a prodigious expence; partly owing to misfortune and accident, arising from climate and distance, but more to the want of zeal in Massachusetts which she had formerly exerted when acting alone. William listened with more than usual caution to the future professions of men, whom he had found as liberal in promises as parsimonious in execution.<sup>44</sup>

Nevertheless that province since the commencement of the war had never enjoyed a situation in which it might with so much safety have engaged in foreign enterprizes. The Indians, overawed by the fort at Pemaquid, reduced to distress by the destruction of their scanty crops, and in some measure deserted by France, made little impression on the borders during the winter or beginning of the year 1693. Yet Convers a renowned captain of those days, led against them an army of five hundred men: He surprised a party which had invested Wells. And he not long after compelled them to sue for peace, by building a fort at Saco, which commanded their hunting grounds. A treaty was accordingly signed at Pemaquid in August 1693. The tribes of Kenebeck, of Saco, of Penopscot, acknowledged themselves subjects of the Crown of England; they promised future amity; they agreed to abandon the French, to deliver up the captives, to permit the colonists to return to their former settlements: And they delivered hostages to Phips for their faithful performance. Yet the Indian negotiations over-reached those of Massachusetts. For the tribes, considering no promise either verbal or written as binding, which is not accompanied with the delivery of belts of Wampum, did not long regard stipulations that they regarded as void or informal.<sup>45</sup>

The elevation of Phips seems to have engendered that insolence, which unmerited good fortune generally

begets on vulgar minds. Without regarding the decorum of his station or the instructions of his sovereign, he engaged in disputes with other royal officers, that ended in his disgrace and death. Upon the reestablishment of the government Brenton had been appointed Collector of the Customs at Boston under the authority of acts of Parliament in the room of Randolph, who first discharged that obnoxious trust. An office so adverse to the designs and principles of every one, had been always viewed with jealousy, was now regarded by the assembly as illegal, because that body either overlooked the statutes of England or considered them as void: And naval offices were erected in that colony by the act, which we have seen disallowed by William, because it was deemed contrary to law and destructive of the power of the Collector. Actuated by the principles of his colony, and willing to acquire popularity, though at the expence of duty, he zealously supported the naval officers appointed by himself in opposition to him who had derived his authority from the Commissioners of the Customs in England. Brenton having seized a vessel because navigated contrary to the acts of trade was ordered "to forbear meddling with the goods:" But he refused to obey commands which appeared to him illegal. Influenced by his partiality to a friend, and irritated by opposition, Phips repaired to the King's warehouse, where the merchandize was lodged, assaulted the Collector, and forcibly carried off the vessel and cargo. While the Commissioners of the Customs formally presented this extraordinary transaction to that monarch they prayed for the protection of their officer, which involved the royal revenue; for the support of the laws and with them the authority of the state. Yet powerful as this application was it probably made not so deep an impression as an occurrence of a very different kind. When subsequent to the Revolution frigates were sent to the colonies to protect their trade they were placed under the direction of the governors, who were invested by their instructions with

the power of superintendence and suspension. The Nonsuch commanded by Short, transported Phips to Boston; and a circumstance which ought to have produced mutual good will only begat future enmity. This officer appears to have performed the general orders of the governor, though perhaps with the indifference with which the commands of a hated superior are always obeyed. But when he required him to lend his sailors to navigate the vessel of a merchant Short refused to obey what he deemed contrary to the rules of the navy; though perhaps he had granted to the requests of the man he esteemed what he refused to the orders of the governor he hated. Altercation ensued. And Phips with an illiberality unworthy of a gentleman caned the officer whom his sovereign had honoured with his commission. Not satisfied with suspending the captain and permitting the lieutenant to succeed agreeably to his instructions he persecuted Short with a rancour which his feelings as a man should have forbid. The naval commanders felt themselves dishonoured by the insult offered to this captain and they filled the Court of William with complaints against the conduct of the governor, which they insisted would ruin the navy of England if permitted with impunity. When the suspended officer at length arrived he applied to a Monarch who had been thus predisposed to favour his cause, for justice, for a return of his property, for reparation of his wrongs. The variety as well as the singularity of the complaints against his oppressor determined their common sovereign to recal the governor. And the Committee for colonies were ordered in language which evinces not only the novelty of the case but the impression it had made "to consider of a way to bring Phips to answer in England." In February 1694 he was informed of the charges against him; he was directed to permit depositions to be taken to support them; he was ordered to return immediately: And Stoughton the Lieutenant-governor was commanded to assume the government, and to take and transmit such evidences as should be

produced by either party.<sup>46</sup> Phips discovered when it was too late that the ruler of a free people to be happy must be moderate.

In the meantime the governor endeavoured to execute that part of his commission which gave him the command of the military force of Rhode Island and New Hampshire. But with a success in both in proportion to the doubts that were entertained in each with regard to the validity of it. The former refused to obey the officers whom he appointed, because he despised his person and derided his authority. The latter would not permit him to publish his commission and refused to admit him into the fort, because she feared his power. And his authority as vice-admiral was equally opposed by both, because similar inconveniences were dreaded.<sup>47</sup> While these causes of weakness existed to so great a degree never were Union and the force which it always carries with it more necessary. The Eastern Indians seem to have agreed to the truce of Pemaquid with design only to recover their losses, and to renew hostilities with greater vigour. And they did not restore their prisoners according to their stipulation. In July 1694 they began their murderous attacks on New Hampshire; either killing or carrying into a lamentable captivity those whom the weakness of age or of sex had recommended to a polished enemy. And they soon extended their devastations to a part of Massachusetts within forty miles of the capital. Not long after Bomazeen a famous warrior of those days came to Pemaquid under the protection of a white flag, the signal of pacific conference. He informed the commander that he had heard with sorrow upon his late return from Canada of the mischiefs his countrymen had done; that he came to tie up the wounds which they had inflicted, by a lasting pacification. But his sincerity was probably distrusted. March "resolved at any rate to seize a sachem" whose enmity had so often proved fatal, and though he returned the signal of treaty, though he "assured him of kind treatment," he arrested that renowned warrior with the companions of

his embassy, and sent them prisoners to Boston: Insisting that as the tribes observed neither promises nor subscriptions, nor the law of nations, they deserved no human respect. The governor disgraced the province by adopting the unworthy sentiments and conduct of an officer who merited punishment: Supposing "that the prisoners ought to be treated as land pirates because of their perfidy." The French exclaimed: That the treachery of the American English had degraded them to a level with the most barbarous hords; who have at all times regarded the white flag as the guardian of personal safety.<sup>48</sup> Sad experience convinced both parties that perfidy seldom fails to inflict those evils which those ought to suffer who attempt to gain by it.

When Phips received notice of his recal he prepared with great diligence to meet his accusers at the Court of England. He easily procured numerous depositions, because it is easy to recriminate, when it is impossible to justify. But it was with great difficulty that he obtained a recommendatory address from the Assembly, the members of which had experienced the effects of his accustomed violence. In October 1694, that body represented to William: That the colony was reduced to the most deplorable state from a fresh desolation of the Indians and from a war which had cost the people twenty thousand pounds, besides the loss of ships and men; that while it was obliged to defend New Hampshire, which could not otherwise exist, it was unable to lend New York the required assistance: And it begged that Monarch to allow no complaints of a personal concern to be so improved as to deprive the province of a governor of whose integrity for his service it was well assured.<sup>49</sup> Phips arrived in England in January 1695. But before his conduct was inquired into he died in the subsequent month, of a fever engendered by the violence of passions that continually preyed on a mind rude and uninformed.<sup>50</sup> Few regretted the governor because few loved the man. And many rejoiced at his fall; because few thought he merited elevation, because he had of-

fended numbers as he was prompted by his vehemence to quarrel with every one with whom he disagreed.

Various pretenders instantly contended for an office of little profit or power, because men are fond of pre-eminence though even attended with vexation. Lord Bellomont, the most conspicuous of any, since he had lately impeached the chief rulers of Ireland, was named the successor of Phips in June 1695, though difficulties with regard to his salary seem to have prevented his voyage thither for several years. In the meantime the administration was conducted with great prudence and ability by Stoughton, the Lieutenant governor, of whom it was said even by his opponents, "that he was more of a scholar than a soldier." He had the good fortune to preserve great internal quiet, because expecting to be daily superseded, he attempted nothing that could offend individuals or rouse parties of his country. The borders of New England were little infested by the depredations of the Indians during the year 1695. One of those contagious diseases, which has often proved fatal to the Tribes raged among them, which disposed them to peace at a time that several of their bravest warriors were prisoners at Boston. They professed their sorrow for the continuance of the war: They avowed their inclination for peace: And while they proposed an exchange of prisoners, they actually delivered several captives as a mark of their sincerity. In order to reëstablish what every one desired so much, Deputies were named by the General Court to adjust the terms of future amity; and a truce was agreed on. The negotiators had no sooner assembled at Pemaquid than the envoys of Massachusetts refused to treat unless the Tribes should in the first place deliver up their prisoners. But the Indians had not forgot the treacherous manner in which their principal warriors had been seized the year before; they perceived that it would be impossible to procure the freedom of their Chiefs, when they had relinquished the only security in their power: And with a spirit worthy of the wisest and bravest of nations they



broke off the treaty; retiring abruptly into their woods, in order to renew hostilities. It was in vain to give warning to the inhabitants of a wide extended frontier of an event, which policy as well as humanity should have prevented. The tribes instantly renewed the war with their usual promptitude, which they continued with their wonted barbarity.<sup>51</sup> And the miserable people had sufficient cause during the remainder of the year 1695, to lament the unfortunate politics of their rulers.

Still fearful however for the fate of their friends at Boston, the Tribes sent a deputation of Sachems to Pemaquid in the beginning of the subsequent year, in order to propose once more an exchange of prisoners. But Chubb, the commander, regardless of the common principles of union among men attacked those who deemed themselves protected by the mutual confidence of treaty, and while he put several to death, he seized those who escaped the sword during the moment of his barbarous zeal. At the same time that enthusiasts, who did not consider the Indians as entitled to the common rights of nature, praised this memorable act of treachery as worthy of a patriot and soldier, the wisest and best men of Massachusetts in some measure rescued their country from indelible disgrace, by speaking of it with horror as meriting punishment.<sup>52</sup> Irritated by these repeated provocations the Tribes spread their desolations along the confines of New England and made an unprotected people suffer for a crime, which all ought to have joined in punishing, since the common safety no less than justice required it.<sup>53</sup> The wisdom of the French has at all times derived every advantage from the misconduct of the English provincials: And they were now enabled by the baseness of Chubb to execute a project which they had for some time meditated. Having sailed from Port Royal in Acadie with a small squadron the experienced D'Iberville not only dispersed a few English vessels sent to oppose him but easily joined St. Castine who had collected two hundred

Indians at Penobscot. And in July 1696, they invested Pemaquid. This ancient fortification, which had been built by Massachusetts at a considerable expence, rather with a view to preserve possession of the country than to defend the Eastern frontier was now mouldering into dust, because the General Court neglected to repair what it did not approve, and ninety men were left to defend a distant post which could not easily be supported. These were instantly summoned to surrender, since resistance was deemed vain and dangerous: The French Commander offering with the generosity of his nation to send them to Boston in exchange for the same number of French and Indian prisoners. Perfectly informed of the superior force of his opponent Chubb immediately agreed to deliver up the Fort on the offered terms: Insisting moreover for personal protection from the rage of those whom his recent treachery had justly provoked. Such was the fury of a people, who give full scope to their revenge, that nothing but the prudence of D'Iberville, in sending the garrison to an island under a strong guard, saved Chubb and the instruments of his perfidy from a dreadful retaliation. The French demolished the fortification, and they prepared to lay waste the coast as far westward as Portsmouth. But learning that the English fleet, reinforced by frigates from England and by provincial vessels, had sailed to revenge the late disgrace, that troops had been detached to defend the country, they retired to Penobscot. It was in vain for the English commanders to pursue the enemy in their retreat, because they were protected by fogs and by shoals. And they returned to Boston: Mortified that they could not wipe away recent dishonour by a vigorous impression.<sup>54</sup>

At the same time that Stoughton was extremely disappointed at this event it did not abate his ardour, because he really loved his country and felt for its miseries. He perceived however that it would be impossible to protect the inhabitants living dispersedly over a wilderness of great extent while the Acadians

gave aid to the Indians, and what was of more importance their instructions: And he determined to chastise the people whom he considered as rebels, because it had been found more difficult to retain them in subjection than to conquer. The ideal authority of Massachusetts over that people, which had been acquired by irruption of Phips in 1690, had been of short continuance, because neither garrisons were left to compel their obedience, nor lenient measures were used to conciliate their good will. Villebon, who was sent thither in November 1691 by the French King, easily regained possession of a country which was already in arms to receive him. And every attempt to reclaim a people who were enthusiastically attached to their ancient usages and religion who revered their sovereign had hitherto proved fruitless. In pursuance of the orders of Stoughton Colonel Church with a small armament during the summer of 1696, ranged along the Eastern Coast as far as St. Croix without seeing an enemy till he arrived at Acadia. On his approach the wretched inhabitants retired into their friendly woods: Refusing his terms of submission, because they distrusted the men whose perfidy they had formerly felt. And their houses were burnt, their cattle were destroyed, their property was plundered by the army. The fate of the Acadians has been at all times pitied by the humane, who saw them struggling with miseries, because they were attached to a sovereign, who either did not sufficiently commiserate their sufferings or was unable to give them effectual relief. Church soon departed for Boston without making any attempt on the country around Saint Johns, where the Governor resided, because he thought his force unequal to the object. But Stoughton, hearing of his intention, and anxious to remove Villebon from a post which enabled him to annoy New England, sent a considerable reinforcement with orders to attempt by an animated exertion to accomplish what would promote the glory and advantage of his country. That vigilant officer was soon informed of the return of Church with

the real cause of his sudden change of measures and he prepared to shew his antagonist an example of vigour and perseverance. A feeble attack was nevertheless made on St. Johns but easily repelled. And the inclemency of the weather, the want of tents, the disagreement of the Commanders, induced the assailants soon after to embark and to direct their course once more for Boston. While the forces had been thus withdrawn from the frontiers to prosecute fruitless expeditions at a distance, the inhabitants seeing no safety anywhere but under the cannon of the forts were neither able to pursue their usual affairs nor to prosecute a war with effect, which has been ever attended with great personal fatigue and danger though with little profit or glory. A scarcity amounting almost to famine ensued. The people emigrated to the more happy colonies of the South, since they were loaded with taxes and were yet unprotected.<sup>55</sup> When the enemy heard of the universal complaints of their foes, they rejoiced in proportion to their late success and their future expectation.

Information of all these disastrous events was communicated to the ministers of England towards the end of the year 1696. The Assembly of Massachusetts at the same time represented to William: That the province had long languished under a war with the French and Indians, by which the estates of his poor subjects were much exhausted and their persons either led into captivity or slain; that while by the decay of their trade their abilities were diminished the neighbouring colonies of Connecticut, Rhode Island and New Hampshire, contributed nothing to the support of a contest in which all were equally interested: It prayed that these plantations might be obliged to give a reasonable assistance; that a suitable supply of arms and warlike stores, and an additional number of ships of war might be speedily sent for its defence; that Port Royal and Saint Johns in Acadie might be retaken and garrisoned with soldiers at the expence of the royal exchequer: And it recom-

mended to the consideration of that Monarch the conquest of Canada, the chief seat of the French power, and the unhappy fountain whence issued the waters of New England's miseries<sup>56</sup> Having considered the dangerous state of Massachusetts the Lords Commissioners of plantations recommended the appointment of a governor skilled in military affairs. The proprietors and traders of that province, deeply affected with the lamentable progress of the French, petitioned "for the establishment of some good form of government for uniting under one head the many interests, occasioned by the various separate jurisdictions." Every one perceived the necessity of coalition for the general defence against an enemy, politic and well directed: But no one could point out how that desirable object could be accomplished consistent with such discordant pretensions. New York, Connecticut, and New Hampshire, jealous of their independence, vigorously opposed that incorporate Union, which was equally pressed for by Massachusetts. The Lords Commissioners of Colonies represented to that prince the several proposals on this important subject with the objections; and they recommended one governor for New York, Massachusetts and New Hampshire who should be also commander of the forces of Connecticut and Rhode Island during the war: Giving as a reason what shews they knew little of the temper of the governor; "that the various assemblies by the prudent conduct of such a governor, may be prevailed on to make such laws as will enable him to execute the royal Commission." But when the Board reflected, that Massachusetts of all the provinces was the most considerable for numbers and wealth yet contributed little to the public revenue, that its desire of pecuniary aid from England was unprecedented; the Commissioners deemed it unseasonable to build fortifications or to form settlements in Acadie; and prudently advised that the several Colonies should be rather pressed to exert their utmost endeavours for their own defence. Yet an additional frigate for the protection of its trade

and a considerable supply of warlike stores were sent to Massachusetts with the succeeding governor, "as a mark of the royal bounty."<sup>57</sup> Though Lord Bellomont was appointed governor of this province in June 1695, yet he seems to have been little desirous to solicit a commission to which no fixed salary was annexed. But in March 1697, he accepted of the command of those several Colonies in pursuance of the representation before mentioned, because the Agents of Massachusetts promised him what they had not power to perform, an established appointment, and much he relied on his own address. He was pressed by his sovereign to hasten his departure as he still lingered in England, soliciting further favours.<sup>58</sup> Men of discernment remarked how much more Statesmen are at all times governed by present impressions than by the experience of the past or by prescience of events to come. The policy just mentioned had been already attempted during this reign, without success. And we shall find, that as the same causes still existed, though the man was changed, the governors exertions will prove equally unsuccessful.

Notwithstanding the repeated solicitations of Massachusetts from the revolution to the present time for the annexation of New Hampshire, a regard to the interest and opposition of Allen, who was now the Proprietor, since he had purchased the right of Mason, continued it a separate government. And John Usher an illiterate man, of little prudence, was appointed by him Deputy Governor. But as the religious and political tenets of the inhabitants of this inconsiderable district remained unchanged, former disorders continued. Little obedience or even respect was paid to the Deputy of a Proprietary, who claimed to be universal Lord of the soil, and who was therefore hated by the people. The Assembly constantly refused to grant money, either for the support of such a government, or for the defence of a country which was claimed by a stranger. Three men, Hinks, Vaughan, and Waldron really governed the colony, as they enjoyed the perfect confidence of the governed.

They at length seized the government towards the end of the year 1696, on this plausible pretence; that the present authority was expired since Partridge was appointed Deputy governor, though he had not yet taken the oaths and given the security which the law demanded as an essential qualification. Usher, fearing for his life, fled to Boston. And he thence gave notice of this unimportant revolution to the ministers of England: Assuring them as the true cause of an event so degrading to regular government; "that it was not his person they hated but the prerogative of the king." The Lords Commissioners of plantations in some measure adopted his sentiment when they resolved; "that the legal administration was still invested in him, notwithstanding the Commission of Partridge; that the royal authority ought not to be trampled on in his person." They ordered him to return to his charge and to require every one to obey his legal powers. They requested Stoughton to support him with his credit and persuasions. And Lord Bellomont was commanded to inquire into the cause of these distractions; in order "that a course might be taken to remedy the present and to prevent future disorders." Usher obeyed; because he deemed passive obedience one of the greatest of virtues. But the conduct of the Board was contemned and the commands of the governor were despised, as there existed no real power to give energy to either.<sup>69</sup> Sagacious men perceived the futility of these measures and regretted the weakness which gave them birth, because they foresaw the consequences.

When Fletcher arrived at New York in August 1692, he found those committed to his charge "a divided, contentious and impoverished people." Two implacable parties which had derived their existence from the Revolution, continued to rend in twain that miserable province. Though pardon of all past transgressions was published, yet those who had unjustly suffered from the violence of Leisler ceased not to prosecute the men who had done them wrong under the authority of

his commissions. And notwithstanding the laudable endeavours of the governor to procure a reconciliation which the happiness of all required, "neither party shewed any disposition to be satisfied with less than the necks of its adversaries." Nor were these the only afflictions of New York. It sadly experienced all the pressures which never fail to overwhelm every country whose resources are not fully equal to its enterprizes. With design to replenish a treasury which had never been sufficiently filled, because the taxes had failed Fletcher immediately called an assembly. This body instantly transmitted an address to William expressing its thankfulness for the royal care in sending arms and warlike stores for the defence of the Colony. It represented how much the number of its people were diminished by emigration to other provinces that were happily exempted as well from the calamities of war as the payment of taxes: That those who remained were reduced to the greatest poverty while their neighbours subject to no duties, rob them of their trade. That though Albany and the Indians dependent on it form an ample barrier to the other provinces against the incursions of the French, yet New York was left to struggle alone against the common danger, while little inclination was shewn by any to give to its prayers that aid, which, if denied to justice, ought to be granted to policy: And it begged the commiseration of the King and Queen; for a sufficient force from England, or for special directions to the other colonies to assist "a people who must otherwise sink under their load."<sup>60</sup> But while the assembly felt for itself, it did not reflect, that England distracted by domestic faction and engaged with a too potent rival, was little able to give that assistance which the Colonies should have furnished during her embarrassments to her. The legislature however enacted laws "for satisfying the debts of the government; for raising three hundred men for the defence of the frontiers; for discharging the necessary public charges; for granting a rate of one penny in the pound of the



value of Estates as a present to the governor." <sup>61</sup> Yet it is in vain to impose taxes unless the objects of them are at the same time enabled to pay: And those that were now assessed only added to the miseries of the people without producing either the expected revenue or doing credit to the intentions of the grantors. The governor warned the Secretary of State "that it would be impossible for them to support the war another year without the contributions of their neighbours." Informed of the distresses of New York and of what it dreaded in future, Mary thought it both reasonable and necessary, that the other colonies should contribute to the defence of a frontier on which the safety of all depended: And she transmitted a mandatory letter in October 1692; signifying the royal will "that upon the request of the governor of New York they should immediately send him such aid in men or otherwise for the security of that province against the French as the security of each should permit." But these measures however wise and just came too late to ward off the severest stroke that the Indian allies of England ever received, or were afterwards too much neglected or contemned to afford the effectual relief that had been anxiously asked.

In the meantime Count Frontenack being reinforced with two thousand troops and a supply of warlike stores from France and judging wisely that it was impossible to protect the frontiers of Canada by defensive operations against an enemy no less remarkable for bravery than enterprize, resolved to strike such a blow as should at once convince them of his power, and excite their contempt for the imbecility of their friends. And his success was equal to his hopes, because his project was executed with vigour and prudence. Six hundred men, composed of the troops, of the Canadians, and Indians, marched from La Prairie in January 1693, under the conduct of three lieutenants, Mantet, Courtinanche, and La Nouë: And by an exertion of zeal and perseverance, which shews what man is capable of performing when he is really in earnest, they arrived in the vicinity of

Schenectady, after a melancholy march of twenty days through the intervenient forest, then covered with snow. A deserter alarmed Schenectady. The news was instantly carried to Albany: But, with an inattention which evinces how much every one was surprised at such a visit in the depth of winter, they gave no warning to the Mohawks of their danger, though their castles stood at no great distance, though against them chiefly the hatchet was lifted up. Three of their towns were surprized successively; and three hundred prisoners were taken, of whom one hundred were warriors. Never had so great a calamity befallen the Tribes; never did any disaster make so deep an impression on minds, which are trained to bear adversity with fortitude. Schuyler, the commander of Albany, hastily collected five hundred men, composed of the regulars, the militia, and Indians. He pursued the enemy with a vigour which compensated for his late remissness, whom he compelled to retire after various attacks. And he recovered upwards of forty prisoners. Few of the Canadians had returned to glory in their success and sufferings, but to the disgrace of colonial policy many of the Five Nations, who flocked to the standard of Schuyler in defence of their country, appeared without arms; and the Mohawks, dreading the fate of their friends, did not engage with their usual ardour. On the ninth day from that on which the French irruption was discovered, Fletcher arrived at Albany, though distant one hundred and forty miles, with three hundred men: The whole regiment of the militia of the capital having offered themselves as volunteers with an ardour which shews how much they preferred the safety of the state to the gratifications of ease or of interest. The Indians as a token of gratitude for the singular activity of Fletcher called him for ever after, according to their manner, "the great swift arrow." The reinforcement however which the diligence of the governor had brought, was of little real advantage. The severity of the weather and the want of food compelled Schuyler to give over a

pursuit, which had well nigh proved fatal to the enemy. And the French returned to Canada with the loss of eighty men who died of fatigue, exclusive of a smaller number who had fallen in the repeated assaults of their animated pursuers. Fletcher "wiped away the tears of the Mohawks;" he provided them with houses and provisions: And he advised them to convince the Canadians, that misfortune had not damped a courage that had so often proved fatal to their enemies. But the Sachems assured him, that the continuance of a war long and disastrous, during which they had neither been supported by their brethren the English nor supplied with warlike stores, in the same manner as the French furnished their Indian friends, had broken their strength: Yet if all the colonies would join in good earnest Canada might still be reduced. The governor hastened back to New York: Leaving the frontiers distracted and defenceless.<sup>63</sup> The assembly which soon after convened, pleased with his zeal, not only returned him thanks but gave him more substantial marks of regard. And sensible of the public danger it granted six hundred pounds for one year's pay of three hundred volunteers, for the defence of the province, which late experience had shewn might be so easily invaded.<sup>64</sup> While New York during this disastrous season lost the fur-trade and paid the enormous interest of ten in the hundred for money to support a feeble warfare, the colonies on either side of her enjoyed the advantageous tranquillity of the most profound peace, disregarding the miseries of others. Pennsylvania declared she had only good wishes to send. East Jersey gave two hundred and forty-eight pounds and promised more. Connecticut, though then able to bring five thousand men into the field, refused either to detach her militia or to permit the raising of recruits. All disregarded the acts of navigation, while the trade of England was ruined equally by the remissness of her rulers, and by the fatal depredations of a war, on the success of which the common liberty depended. Judging of the future conduct

of those colonies by the past Fletcher solicited his master for two additional companies to be paid out of the funds established for the English army, and for arms and ammunition; as absolutely necessary for the safety of his province. While men of discernment deplored the evils of disunion they exclaimed: "How shameful that a handful of Canadians should be suffered to nestle and to grow to maturity, while the noble colonies of England were able to drive them into the sea."<sup>65</sup> English ministers have been at all times guided by the plausibility of this remark, but they have generally acted wrong, because it was untrue: They did not reflect, that the few, animated by one soul, had at all times conquered the many divided by a thousand factions.

When the representations of Fletcher before mentioned were communicated to William the apparent weakness of New York, the divisions of the other provinces, and the superiority of France made a permanent impression on his mind. He instantly revoked the commission which had been formerly given to Phips to command the military force of Connecticut and transferred it to the governor of York: Assigning as a reason what shews the extent of the present policy; "that by these means the one will be best protected from the attempts of its enemies and the other will be most expeditiously aided upon any sudden irruption." But though the legality of this plausible measure appeared extremely clear to the wisest English lawyers, yet we shall find it disputed by Connecticut and its operation therefore prevented. Upon the request of the governor a considerable supply of warlike stores were sent to New York, in order to enable him at the cost of England to defend a province which was unable then to protect itself.<sup>66</sup>

In the meantime the more vigorous exertions of France defeated every project which had for its end either the annoyance of Canada or the defence of the colonies or their Indian allies. To Count Frontenac she sent reinforcements of men, supplies of warlike-stores

and presents to the Tribes who were attached to her fortune. Through the instrumentality of the missionaries, who have been at all times extremely useful in promoting her measures, she debauched the fidelity of the Five Nations, who had suffered prodigiously from the war, while they had received no real aid from the colonies which they had defended. This powerful confederacy inclined therefore to peace. And the Oneyda tribe actually sent a message to Canada. Fletcher heard with concern of the intrigues of France and of the probable defection of his most useful allies. And he invited them to a conference at Albany in July 1693. He apologized for not meeting them, according to his promise, when the trees began last to bud; he condoled the loss of the brave warriors who had fallen in battle; he chid them for entertaining wishes for peace; he warned them of the perfidious conduct of France: And having delivered the presents which he had brought with him from England, he renewed the covenant of friendship for all the colonies. They made answer: That having been so long involved in bloody warfare their castles were filled with sorrow; that in ancient times on such occasions the propositions were only those of peace, but so changed was the state of things, nothing is now spoken of but war, to which each prompts the other continually; that they had heard with joy of preparations for some time made to attack Canada with vessels on the great river, which they had been ready to assist by land, which by one vigorous effort had put an end to destructive hostilities, but they were of late told nothing of that design; yet that though they might be cast to and fro in storms they were determined to remain stedfast to the last man as they had engaged in the beginning of the troubles: And they returned heart-felt thanks to the great King and Queen for sending them arms and ammunition, when they were in greatest need of them. To Fletcher they gave a present of furs as a mark of their esteem. But they delivered no belt of wampum as a confirmation of sincerity, to

convert their mutual speeches into a treaty by which both parties were to consider themselves as bound. They declared their intention of concluding a peace with the Dionondadies, a powerful tribe in alliance with Canada: Giving reason, which probably was not the true one; that it will both strengthen us and weaken the enemy. Though the governor perceived the influence of French intrigue he approved of a proposal so extremely wise and gave them a belt to deliver in his name, that he also might be bound in the treaty as a party. The colonies and England have had sufficient cause to regret, that they have but too often treated as children the confederated nations, who on the most trying occasions have thought and acted like men. Fletcher communicated the result of this treaty to the ministers of England: Assuring them that while the French bade high for a peace with the Five Nations, Admiral Wheeler's disappointment at Boston had given the greatest dissatisfaction to warriors, who could not comprehend the cause, and who upbraided the neighbouring provinces with cowardice and sloth. And whilst he gave warning, that should they lose the affections of their Indian friends the southern colonies, however secure at present, would be instantly steeped in blood, he asked for additional presents to avert a catastrophe more easy to prevent than afterwards to change for the safety of the people.<sup>70</sup> Thus whatever superiority England and her colonies may have formed over that mighty confederacy, they were really the tributaries of a people, whose friendship has been at all times purchased since they could not be conquered.

Fletcher hastened back to New York to meet an assembly which was governed by very dissimilar principles. Two objects chiefly he recommended to the consideration of the legislature: "The settling of an able ministry;" the establishment of the revenue during the life of the King. And it seems to have paid a just regard to both. The delegates having transmitted to the Council a bill "for the establishment of a protestant

ministry," which gave the election of rectors to the vestrymen and Church wardens, an amendment was added investing the power of collation in the governor : But the representatives of the people refused to assent to an alteration, which deducted so much weight from the scale of popular power. And while the governor passed a law, which contrary to his instructions thus deprived the King of his prerogative and his successors of influence, he reprimanded the delegates for their dissent in terms degrading to both, because they were such as a governor ought not to use nor the representatives of freemen to receive. Yet this law was confirmed by William at a subsequent day. It was couched in such language as gave cause to the Church of England to think that it was enacted for her establishment alone and room for the dissenters to contend that it was passed equally for the benefit of them. In April 1695, the Delegates by a resolution, which seems to have been received as an exposition which every one ought to obey, declared : That the Vestrymen and Church wardens have power to call a protestant dissenting minister, who ought to be maintained as the law directs.<sup>71</sup> The public revenue which had been granted during the foregoing session was continued for five years longer. And a law was passed for restraining and punishing privateers and pirates, which late irregularities had made necessary, and which did not answer its end, because it contradicted the spirit of the people.<sup>72</sup> When Fletcher was told how much the inhabitants of the frontiers dreaded the approach of the Canadians he detached three hundred men for the defence of Albany. But he at the same time gave warning to the Lords of the committee of Colonies, that an unproductive revenue would not be sufficient to defray the expence of this little army ; that the provinces had declined to settle their quotas of aid in pursuance of the royal requisition ; that the money sent by Virginia and Maryland had proved extremely inadequate, while East Jersey had contributed sixty-five men and four hundred pounds in money, and the Colonies of

New England had given a positive denial of any. He enforced the necessity of another expedition against Canada, in order to put an end at once to a consuming war, which the colonists though a numerous people, from their disunion and factions were unable to prosecute with effect. He solicited a reinforcement of troops and a supply of stores of war for the defence of a province, which, since the arrival of governor Sloughter had spent twenty thousand pounds and on all occasions had stood foremost in the day of battle.<sup>73</sup>

The singularity as well as the importance of the representations of Fletcher procured the attention of the ministers of England. In the beginning of the year 1694, two additional companies of a hundred men each were put upon the establishment of the English army, and with recruits for the former two were sent to New York for its protection. Artillery and ammunition were transported thither "notwithstanding the low state of the King's magazines:" The Board of Ordnance remonstrating against such an application of its funds as seemed inconsistent with the grant of Parliament. The Colonies having either refused or declined to furnish that province with their proportions of aid, in conformity to the Queens requisition of October 1692, the quota of each was now apportioned and each was required to furnish it to New York, whose extraordinary had hitherto shielded the whole from the greatest of dangers. But it soon appeared what wise men indeed foresaw, that all requisition is vain where there exists no power to compel the refractory or to punish the disobedient.

Fletcher departed for Connecticut the moment he had prorogued the Assembly in order to assume the command of the militia of that colony. But here he encountered a people who perfectly understood their interest, and who little understood the principles, and despised the practice of passive-obedience. He presented the royal commission to the general court and required its assistance in executing the King's intentions. It however remarked; that it did not find any words in a



commission, of which it had no notice, superseding the charter of the colony: It requested him therefore to suspend the execution of his pretended powers till the event of a proposed application for redress: And it expressed a readiness to aid New York on just occasions against the common enemy, offering six hundred pounds, payable in the produce of the country as its quota. Nevertheless while Fletcher disclaimed any interference with regard to the civil government or with the Charter he offered to grant the chief command of the military force and to continue the former officers and he demanded an effectual compliance with a power which had been vested in the crown by act of Parliament and could not be demised from the present king. That the right to command the militia was inherent in the crown the General Court freely admitted: But shrewdly insisted that it had formerly been granted away to the Colony, which it had enjoyed during the two preceding reigns. This pointed argument was assuredly decisive. And it is astonishing that the great lawyers and statesmen who advised the commission did not see the subject in the same light since the charter remained uncanceled. The General Court adjourned. And Fletcher, foreseeing a tumult, and dreading personal affronts, returned to New York, baffled and chagrined. Connecticut considering the dark aspect of the times, the great difficulty with regard to present enjoyments, sent Winthrop, a man of some talents and art, as agent to England, to defend her privileges. She levied a considerable tax to defray his expenses; judging wisely that when all derive a benefit all ought to pay. And she appointed a day of fasting, and of prayer to seek the lord for his gracious presence with him. Strengthened thus by the gold and supplications of his countrymen he opened his business by stating falsehood to his sovereign, by accusing Fletcher of attempting to seize the civil government, which he had expressly disclaimed, because Winthrop knew that it was safer to recriminate than to attack the prerogative in the face of a Court attached to regal

power. His petition, praying for security of the rights of the colony, for an explanation of Fletcher's commission, was however referred to the crown lawyers. After hearing counsel they reported: That the Charter had given the *ordinary* power of the militia to the governor; but that their majestys may nevertheless constitute a commander-in-chief, with authority to order such portion of each plantation, as may be thought fit, and in case of invasion, may with the advice of the governor command even that part of the military force of Connecticut as shall remain within the Colony. William approved of an opinion, which was so agreeable to him, which was probably so framed as to please. And he appointed one hundred and twenty men as the quota to be furnished by Connecticut during the war, which the agent promised should be punctually given upon the request of the governor of New York and which this officer was empowered to command during their coöperation. The obnoxious commission of Fletcher was recalled. But Connecticut having thus carried her favourite point, found reasons enow for withholding the aid, which her Sovereign had formally asked and her agent had solemnly promised. And the authority of English government was shaken, because it had been exerted improperly. Winthrop artfully begged the royal approbation of the civil government of his country; but though that monarch promised effectual protection of its chartered privileges he did not confirm what he did not approve.<sup>75</sup> How amusing is it to remark the difference of zeal with which Connecticut defended her borders against the irruption of a barbarous enemy, and opposed the infringement of her supposed immunities: In this she acted with ardour, because she contended for independence: In that, she was scarcely roused from her usual repose, because she saw no real danger, being defended by others.

While New York struggled without effectual aid against the difficulties of the war, her counsels were distracted and her repose disturbed by two implacable

factions, which had grown out of the Revolution and which no means had been yet found to extirpate. Though in order to prevent the evils of discord, the adherents of Leisler had been pardoned and their estates restored; yet it was in vain to offer indemnity to men, who did not admit that they had ever committed a crime: They even refused to sue out their pardons. And some of them being chosen representatives, though their attainders remained in force, the governor thought this irregularity illegal and dissolved an Assembly which admitted them to vote as legislators: What he deemed a just exertion of prerogative, they resented as an act of arbitrary power. On the other hand their opponents insisted with equal vehemence; that it would be contrary to every sound rule of justice and of policy, to admit men to sit in the legislature, whom the laws had condemned for the greatest of crimes; that it was doing injustice to the innocent to permit those to usurp their privileges, who had forfeited their rights by their guilt. The public tranquillity was wisely preferred to the clamours of either party: And at a subsequent day a pardon was passed under the great seal of England, without payment of fees.<sup>76</sup> Fletcher exerted himself with a laudable spirit to heal the wounds of the people committed to his care. He forbad names of distinction; he set before them the blessings of concord; he did equal justice to every one: And the public quietude appeared to be again happily restored. But it was merely that sullen indifference of the people which the wisest statesmen dreaded as the certain indication of approaching convulsions. He was roused by certain information from all parts of frequent meetings; where violence soon begot resentment, where reflections were thrown on those in power and reparation was demanded for the blood of Leisler. During his surprize at a change, unexpected and alarming, he discovered, "that Sir William Phipps was the incendiary, who fanned the dying embers of former discontents." Abraham Gouverneur, convicted of murder in 1691, because he

had aided Leisler in defending the fort, made his escape into New England. And a royal governor degraded his station when he protected a criminal who had fled from justice. Through this man Phipps carried on intrigues among a people, uninformed and therefore vehement. At the same time that Fletcher demanded satisfaction for a conduct so inconsistent with his duty he sent a messenger to require that the criminal should be delivered up to the animadversion of the laws. But to the people of Massachusetts and their ruler the conduct of Leisler and his adherents appeared as innocent, as praiseworthy, as their condemnations were illegal and therefore unjust. And when they remembered, that both had acted the same part at the Revolution, they exclaimed: If what Leisler and his followers have done be ill, how came the King and Queen to sit upon the throne. Far from delivering up one of the most zealous partizans to punishment they resolved, not only to give them protection at Boston, but to aid them with their influence in England, procure a parliamentary redress of their wrongs.<sup>77</sup> And they instructed their agents, Ashurst and Phips, to promote their views. Invigorated by this powerful support, Gouverneur and Leisler successfully petitioned William towards the end of the year 1694, for leave to apply to Parliament to reverse the attainder of Leisler, the father, and his adherents, long after they had been pardoned under the great seal and their estates restored. Constantine Phips framed the bill; Sir William Ashurst sat as chairman of the Committee to which it was committed: And it was passed into a law in April 1695, though the most convincing reasons were offered against it by New York, though it was in some measure opposed by the Court.<sup>78</sup> The agents gloried in their success, which they hoped would be attended by a train of good consequences: They boasted, that they should never do New England so much good, as by getting this bill enacted.<sup>79</sup> For, it passed a kind of censure on the administration of a province, which Massachusetts hated ever since the

arrival of Slougher; because it was composed chiefly of the old counsellors of James 2d: It was supposed to contain a Parliamentary recognition of the rectitude of the violent proceedings at Boston that produced the Revolution. How striking is the scene, in which we behold the agents of New England soliciting the Parliament to reverse the judgment of a court of justice in a neighbouring colony; but the act would have passed to little purpose had not the legislature been possessed of the highest of human authority: We see the King and the great council of the nation made the instruments in gratifying the little resentments of little men. Massachusetts at the same time struck a more deadly blow at New York. In pursuance of general expressions in her charter she now took possession of Martha's Vineyard and other islands in that vicinity, lying near the coast of New England. Yet these had long formed dependencies of New York and paid taxes towards the support of her power, because they had been granted to the Duke of York while his pretensions however defective could not easily be disputed. But, it was now in vain for the Council to resolve, that these islands were not included in the charter before mentioned; or for the governor to threaten to defend the rights of his province by force. The inhabitants preferred the government of Massachusetts, and yielded a willing obedience to Phips, because they entertained the same sentiments religious and political as pervaded New England.<sup>80</sup> And the one province gained an augmentation of people and of a revenue which the other now lost, though already too defective with regard to both. While Massachusetts rejoiced in the success of her intrigues, New York long mourned the evils of personal altercation, which those intrigues engendered on a credulous people, and of civil distractions which the act of Parliament before mentioned long unhappily continued.

In the meantime the treaty of pacification, begun towards the beginning of the year 1694, between the Five Nations and the French, preserved the frontiers in

an usual state of repose. And this measure was of the greatest importance to the several colonies, which were shielded from the incursions of their enemies by the successful exertions of that gallant people. The governor of New York informed the neighbouring provinces of the reasons that had induced their Indian allies to incline to peace: Assuring them, that it would be impossible to prevent the tribes from making a separate treaty unless the strongest assurances were given of real aid to enable them to carry on a war which they alone were no longer able to support. And in order to promote these views he invited Commissioners to meet the Five Nations at Albany upon the return of their negotiators from Canada. Massachusetts, Connecticut, and New Jersey sent Deputies to attend Fletcher at the proposed Indian treaty in August 1694. Decanasora, the orator of the Five Nations, gave a public account of his embassy to Canada, which was more replete with eloquence than with just information. Yet it did not escape the penetration of Fletcher that it would be vain to amuse them any longer with unsubstantial promises: And knowing that it was not in his power, to give them assurances of effectual aid, he invited the chief Sachems to a private conference. He asked them if they had really concluded a peace with Count Frontenac. They candidly answered; that as they were unable to carry on the war, the treaty wanted only his approbation. Unable to blame a conduct which was prompted by necessity, he gave them his consent on condition that the ancient chain of amity with the English should remain unbroken and unstained. He warned them however that the moment they suffered the French to repossess fort Frontenac, situated in the center of their hunting-grounds, their independence must cease: And he promised to march the whole force of his government to their aid should their encroaching enemies ever attempt it. In return they assured him, that they had resolved to insist on what he now recommended as an essential article of the ensuing pacification. And they faithfully performed what they at

present agreed on, though we shall find, that he was unable to fulfill the magnificent assurances which he gave them, and upon the faith of which they too much relied. The great Council at Onondaga, the body politic of the Five Nations, with a firmness worthy of a Roman Senate, determined, that no distress should force them to depart from two points in the ensuing treaty; never to allow the French to regain fort Frontenac; never to include their Indian dependents. And neither the presents, nor promises, nor threats of the governor of Canada made any impression on a poor but magnanimous people, whom it was so difficult to conquer, or corrupt, or frighten. The efforts however of Count Frontenac gave the greatest satisfaction to the Tribes who were attached to his fortune, because he disdained to accept a separate peace, that had sacrificed their interests to his quiet.<sup>81</sup> And men of discernment remarked: that this conduct no less honourable than just reflected disgrace on the policy of the English, who neither gave the Five Nations the protection which is due to subjects, nor furnished the aid that allies may claim.

When by the firmness of both parties the conferences that were to give peace to so many nations were broken off the war was renewed with a vigour heightened by disappointment. The politest of nations remembering what she had suffered, outdid the Warriors, whom she denominated savages, in her cruelties to the miserable. The confederates severely retaliated on the allies of France. Amid the inhuman scenes that were then acted by both parties, it did not escape the sagacity of the experienced Frontenac, that it was the persuasions and promises of Fletcher that had frustrated his projects for the happiness of Canada; and he resolved by a vigorous effort to expose the weakness of the English to the eyes of a people who had confided in their wisdom and aid. He prepared to attack the Mohawks, who were the most attached to his enemy, and the borders of New York, during the winter of 1694-5. Having

penetrated his designs however Fletcher was enabled by the Assembly to send a small reinforcement to Albany. He asked the assistance of the neighbouring colonies with his wonted success. Indeed East Jersey sent him thirty men on that urgent occasion: Yet he complained to the ministers of England "that it made war on the trade of New York by prohibiting the products of the one from being sent to the markets of the other." But with greater effect he asked his sovereign for presents to the Indians and for punctual pay to the regular troops.<sup>82</sup> The governor of Canada, perceiving his designs discovered and preparations made to repel his incursions, turned his views to the great western lakes. He detached several parties into that narrow country surrounded by those immense collections of water, denominated Erie and Ontario, partly in order to surprize the Five Nations, while hunting in security, but more to know the present condition of fort Frontenac which had been abandoned during the year 1688. And he succeeded in both his projects, because orders wisely given were punctually executed. That intrepid people soon took a severe revenge: They defeated a large body of Indians friendly to France, as they marched into Canada. The tidings of this disaster determined the Governor of that Colony, to execute the measure he had already resolved on. He knew the importance of the fortress before mentioned, both as it secured in a great degree the communications of the more Western country around Missilimackinac and as it could be easily converted into a place of arms and retreat in the projected enterprizes against the confederated nations. In July 1695 the French easily retook possession of a fort, which was of equal advantage and importance during war and peace, though this measure seems to have been contrary to the commands of his sovereign. And this conduct proved the fruitful source of vexation and expence to the English, who seldom foresee and prevent what gives them a fine opportunity to display to the world the extent of their bravery and wealth to regain. The Five



Nations sent immediate notice to Fletcher of what had happened, of what they could not frustrate: And they demanded his promised aid. They desired him at the same time to inform New England that many of the Eastern Indians being then in Canada this opportunity should not be lost to destroy those who remained at home. In return he chid his friends for allowing the French to take possession of what they had undertaken to defend. He endeavoured to convince them of the impossibility of dispossessing the French from a strong post, situated upwards of four hundred miles from the inhabited frontiers by an army which must march through the intervenient desert, without roads, communications or provisions. He advised them to invest the garrison and cut off its supplies. And he consoled them on their misfortunes by giving a present of unusual value and use. But all their exertions proved vain: The persevering vigour of the French long retained what their superior address had thus acquired.<sup>83</sup> Impressed with a sense of the present danger the assembly enabled the Governor to recruit the companies on the English Establishment and to raise a few additional soldiers "for securing the frontiers of the province."<sup>84</sup> Agents were sent to England in the end of the year 1695 to ask for effectual aid. While the French were thus pushing their warlike settlements southward, and paving a way for future incursions on the more southern colonies, Virginia and Maryland solicited their sovereign to be exempted from the burden of future quotas to New York, because they were actuated by the supposed pressures of the present moment.<sup>85</sup>

Count Frontenac having gained his first object with regard to the plans which he meditated for closing at once the war that had so long drenched Canada in blood, prepared for an unusual enterprize. In July 1696, that nobleman in the seventy-fourth year of his age, marched at the head of the whole regular troops, the Canadian militia and his Indian allies against the Country of the Five Nations, which was defended by

almost impervious morasses and forests. Having ascended the river St. Lawrence he crossed Lake Ontario, and at length entered the wilderness, that sheltered the people whose destruction he designed, by the stream of Oswego. The Onondagas alone gave him a defiance according to their manner. They placed their women and children in a place of safety. And they resolved to defend their country with that undaunted spirit which they had so often shewn on the most trying emergencies. But, being informed by Indian deserters, that their exasperated enemies were more numerous than the leaves on the trees, that they brought with them uncommon machines, which were described as spreading fire, and bullets, and death at a prodigious distance, they retired; leaving their village in flames. Count Frontenac marched up in battle array to the miserable remains of what the fire had spared: And he destroyed the scanty crops of a people who despise tillage as unworthy of them. Here was found only one Sachem, who had survived almost a century of years, who chose that time to die: Thinking life no more worthy of his care, since he could no longer contribute to the defence of his country by his arm or his counsels. He expired with a resolution characteristic of his nation amid torments, which none but the American Indian can inflict or suffer: Giving warning to his tormentors to prepare for that vengeance which his numerous progeny would certainly take. The want of provisions which could not be procured in a desert obliged that general to retire with precipitation, without effecting all that was intended. Far from dispirited by losses which could easily be repaired the Onondagas hung on his rear and found opportunities enow to revenge their late disgrace. The Five Nations suffered little from this overbearing irruption when compared with the distresses of their invaders. The harvest failed in Canada, because the Husbandmen were employed either in this expedition or in guarding its borders in the absence of the army; and one of those famines ensued, which had so often depopulated that

colony.<sup>86</sup> When the inhabitants of New York heard of the approach of the French they were seized with a consternation, not in proportion to their real danger, but to what they imagined they should feel and suffer in case of an actual invasion. In this extremity Fletcher repeatedly demanded the appointed quotas of the neighbouring colonies: But as usual without success, because they felt only for themselves. And he was now left to defend his province with the four standing companies, maintained by England at a considerable expence. He no sooner heard of the loss sustained by the confederated tribes, than he determined to alleviate misfortunes which he could not prevent, since he could not give them effectual protection. And enabled by the liberal grants of the Assembly he supplied them with corn during the ensuing year. The Quakers of Pennsylvania, either alarmed when they heard of the retreat of the Indians southward along the river Susquehannah, or pitying their misfortunes, sent two hundred pounds to Fletcher to purchase them raiment and food.<sup>87</sup> But we shall find that these attentions did not eradicate the impression which late events had made on the firmest minds, because they as much feared the vigour of their enemies as they despised the weakness of their friends.

In the meantime the Agents of New York represented to the ministers of England the deplorable imbecility of this province, and the danger of losing for ever the attachment of the Five Nations with the security which this brought with it. They proposed as the surest means to protect both from the incursions of the common enemy to dispossess the French of Canada and to plant there an English colony; to erect fortifications on Lake Ontario; and to strengthen the frontiers with a thousand regular troops. But in their solicitude for their province they never reflected how much England had been debilitated by making exertions beyond her strength, and how unable she was to engage in fresh projects when she knew from recent experience how little the Colonies interested themselves in a contest that had their rights

as well as her own for its object. Yet she gave them a new instance of her parental care. More liberal presents were sent to her Indian allies whom Fletcher was ordered to supply with necessary ammunition during the war; military stores were sent to the colonies, that they might be enabled to defend themselves: An Engineer was ordered to repair their fortifications: And as the provinces had not complied with the royal requisition of quotas for the defence of New York, the safety of which involved the fate of the whole, fresh instances were made with greater earnestness.<sup>88</sup>

While these salutary measures were pursued in order to extricate New York from her present embarrassments a desultory war continued on the frontiers, the events of which deserve not to be now remembered, because they were then of little consequence. But the Five Nations wished for peace. They sensibly felt the inequality of their burdens; they perceived the inability of the English to protect them, because they did not coöperate with each other; they even doubted from what they had seen whether the war continued between France and England: Yet with a laudable attachment to treaties, which the most polished of nations ought to imitate, they proposed to continue the contest, provided Canada was attacked by sea. But no promises were made by the governor, because he knew that they would little regard what he had been hitherto unable to perform.<sup>89</sup> The people on the borders were extremely alarmed when they heard of a fresh irruption of the Canadians, because they dreaded equally the depredations of friends and foes: And nothing prevented a dereliction of the country, but the animated conduct of Fletcher, who reinforced the frontiers, encouraged the Indians, and placed himself in Albany during the winter of 1696-7. Yet he was soon after recalled partly owing to complaints against him, but more with design to make room for a new plan of union of the Northern Colonies, on which the safety of the whole was supposed to depend.

Notwithstanding every inconvenience of the war, the City of New York increased from various causes in commerce, in wealth, and in populousness. The taxes, which had been levied to a greater extent than it had ever known before, were imposed with equity and collected with moderation; which by adding to the general circulation promoted the general industry. The war had put in motion a multitude of privateers and pirates, to which that city afforded an asylum and which it supplied with provisions; exchanging these for gold and other rich commodities, the plunder of the East. And it found the greatest advantage in carrying on an illegal traffic of great extent which supplied the demands of the province; as those officers, whose duty required them to execute the acts of navigation, turned their eyes from irregularities that were criminal in proportion as the commerce of England had been diminished by a war, which was carried on for the benefit of all.

When the intrigues of William Penn since the Revolution were in the meantime remembered, when his neglectful absence from his province and its exposed state were considered, it was resolved to place it under the care of Fletcher. In October 1692, he was invested with the same powers of Government over Pennsylvania as had been given him over New York.<sup>90</sup> The lords of the Committee of Colonies having determined on the rectitude of this policy, the Crown Lawyers, whose official advice was asked, gave a sanction to the legality of it. But neither seem to have reflected, that they were depriving English subjects of Chartered rights, by supposing facts to exist, which the law of England required, should have been previously affirmed by a verdict of their peers. Far from consenting to measures which deprived him of power, Penn gave warning to Fletcher to beware how he trampled on the privileges of an Englishman by executing a commission which he deemed illegal:<sup>91</sup> And he gave instructions to his friends in Pennsylvania how to oppose his authority by undermining the governor's power.<sup>92</sup>

Fletcher no sooner received these additional powers than he repaired to Philadelphia to execute the trust reposed in him. In April 1693 he here published his commission and assumed the government without opposition, because the Quakers obstruct by intrigue what others oppose by force. He nominated Markham, formerly secretary of Penn and President of the province, Lieutenant-governor. He appointed eight Counsellors and other officers. And he continued the Courts of justice on the former plan. Considering justly that his commission and instructions had superseded as well the charter as the frame of government that had engaged the affection of the Emigrants, he resolved to disregard both in the manner of calling an Assembly, since he was instructed to follow in all things the example of New York. Much depended on the rectitude of this measure, because the validity of the laws was to result from it. Yet there were not wanting persons who, instructed by Penn and deploring the loss of their own consequence in the late change, opposed the proceedings of the Governor, though in the peaceful manner that their peculiar religion prescribes. Seven members of the late Provincial Council on behalf of the freemen: Desiring "that no other method may be used in calling the legislative power than the received law of the Province does provide." But no answer was given, because the Governor and Council agreed "that it cannot be consistent with the powers of the Commission to regard an address which strikes at the foundation of their authority." Yet the ancient form was in a great measure changed. When the Assembly at length convened six members only appeared who without scruple took the oaths which the law had provided for the security of the State. The others were allowed to subscribe the declaration of fidelity, in pursuance of the royal instructions; yet not till they entered on their journal, that what was then permitted was merely an act of grace, which should not be construed into a pretension of right. From these notices we may determine with

regard to the religious tenets of the members ; with regard to that policy which sacrificed so much to warfare, yet admitted into the legislature men who opposed the most necessary violence as sinful. The Delegates now attentively practised the lessons of opposition that the Proprietary had taught them.<sup>83</sup> They opened their deliberations with a resolve ; "that the laws of the province that were in practice before the arrival of the present governor are still in force." Never advertng during their zeal, that the principle of their resolution contained a strong assertion not only of the illegality of the present government, but of the consequent irregularity of their own proceedings. Having insinuated that their present change arose alone from the absence of the Proprietary, the Governor laid before them the motives recited in his commission, and with the bluntness of a soldier assured them : "That the constitution of their majestys government and that of Mr. Pen are in direct opposition to each other ; and if you tenaciously stickle for his, it is a demonstration that you decline the other." It was impossible to answer this perplexing argument. And while they insisted, "that the reasons assigned for superseding the Proprietary government were founded in misrepresentation," they admitted Fletcher to be their lawful governor, "saving to themselves and those they represented the privileges of both." Owing in some measure to the novelty of the scene, but more because neither of the disputants did justice to each other, the session passed away in continual contention. After some altercations he confirmed during the King's pleasure a long list of laws. And they partly in return, but more from the dread of "an annexation to New York" with which they were menaced, gave a small supply for the support of the provincial establishment.<sup>84</sup> There were many however of the well affected inhabitants of Philadelphia, who declared themselves sensible of the royal care in taking them under his immediate government and avowed themselves ready to uphold it : But these men perceived not the danger to real liberty

from change when not strictly legal. In the height of his chagrin Fletcher informed the Secretary of State: That no assistance was to be expected from the Quakers, who little regarded the Queen's mandatory letter, who had rather die than resist with carnal weapons, and who, while they have neither arms nor ammunition, will not suffer those few to be trained that shew an inclination. He departed in June 1693: Giving up the reins of the Pennsylvanian government to Markham, a man needy and profligate, but of great experience, since he had been the first ruler. It did not escape the sagacity of Fletcher, that the policy to which the rights of Pen and the privileges of the people were unjustly sacrificed, had now wholly failed. Far from adding strength to the feebleness of New York his necessary absence had only increased her embarrassments. He gave notice to the ministers of England, that the trust conferred on him "was merely a trouble" without answering any of the important purposes of union and energy. And he advised a complete annexation of Pennsylvania, of the Jerseys, of Connecticut, to New York, as the only measure that could save the last from the possession of France.<sup>95</sup>

Markham governed Pennsylvania with the weakness of dependent authority. He called an Assembly in the beginning of the year 1694. But a sudden prorogation, which he made by order of his superior prevented a redress of those grievances which naturally arose from the confusion of the ancient Constitution and the innovation of the new. Yet with the spirit of injured freemen they transmitted a remonstrance to Fletcher. Complaining of the late prorogation, and insisting among other objects of grievance which evinces the extent of their jealousy, that the supplies granted by the last Assembly should be justly applied and accounted for to the present. The Governor hastened from the conferences held with the Five Nations in May 1694, to meet the Assembly in person. He apologized to that body, by urging the necessity of meeting the Tribes, who had



been endeavouring to make a peace with France, which all wise men considered as equivalent to a confederacy against the English. He laid before the Delegates the proceedings at the late conference. He represented to them the deplorable state of the frontiers of New York, which had been in some measure abandoned, owing to the want of the aid of neighbors rather than to the impression of the enemy. While he praised East-Jersey for sending a quota of aid, he urged in prophetic language, that the danger of Pennsylvania was not the less real because it was now distant, but if from their abhorrence of war they would not levy money for the general defence they ought at least to enable him to feed the hungry and to clothe the naked. And he assured them of his readiness to concur in anything that might be useful to the province. Yet the session passed away rather in altercation than in mutual endeavours to promote the real interest of the colony. The deputies indeed passed a bill for raising a supply: But having appropriated the money and appointed Collectors, the Governor informed them of his positive instructions to consent to no money bill, wherein the tax was not granted to the King for the uses of the state, according to Parliamentary Custom. It was apparent, that no money could ever be raised, while the acceptance of the one rendered him unworthy of future trust, and the others insisted on their own terms, because the interest of their constituents and their own consequence were equally involved. While this fruitful source of disagreement continued he insisted in vain for an answer to the Queens requisition of aid for New York. The Delegates in return sent him a remonstrance with regard to the state of the province and their own privileges. And a fruitless session was soon after closed by a dissolution, which at all times has confirmed the resolution rather than convinced the judgment or conciliated the affections of popular assemblies. The same subject was renewed at a subsequent meeting, when similar altercations ensued with the same success.<sup>90</sup> Representatives

who withhold money from their rulers are generally rewarded with the applause of the governed.

Meanwhile William Pen, who had secretly directed the proceedings of the Delegates, successfully exerted his usual address to reconcile himself to his new sovereigns, whom he had injured and therefore hated. In July 1694, he represented with his accustomed art the great prejudice that had ensued by the separation of the government from the soil: And he prayed to be restored to his former privileges. The Crown Lawyers Ward and Trevor gave it as their official opinion, "that the charter of Charles 2d had granted to the Proprietary the right of government, civil and military, but subject to the general sovereignty of the king over the province and inhabitants."<sup>97</sup> Having gained this important declaration in his favour, he assured the Lords of the Committee of Colonies, that he was willing to subscribe the declaration of fidelity to their majestys. With a saving of his principle, that he would speedily return to Pensylvania and provide for its safety, that he would transmit in the meantime to the assembly such orders as should be given for the general defence, which he doubted not they would dutifully obey, but if they did not, he would submit the military affairs to the king's pleasure. Relying on these solemn promises the Committee recommended his restoration. And in August 1694 the commission of Fletcher was revoked, which should have been never granted; because the expected good could not balance the certain evil of infringing at once the rights of Pen and the privileges of the Pennsylvanians. The Queen wrote a second mandatory letter; which, remarking his petition and restoration and her appointment of the quota of aid, required his compliance with the requisition of the governor of New York.<sup>98</sup> Unable to return to Pensylvania, or to make a final settlement of its affairs, the Proprietary in the subsequent November empowered Markham to rule his province in his absence, according to known usages and laws. And he gave him two assistants, who however

declined to act, by whose advice he was directed to transact the public business." Thus was restored the government of Pennsylvania to its founder: Thus were the people reinstated in their ancient privileges, after a species of usurpation, since the late administration had been established contrary to law. But we shall find, that Pen either possessed not the power, or wanted the inclination to perform stipulations on his part, which he deemed perhaps improperly asked; because rights unjustly taken away ought to be returned without consideration.

Nevertheless Pennsylvania remained for some time in that political situation in which Fletcher had left it. Under Markham it continued quiet and therefore unimportant. An Assembly was at length convened in the year 1696 under the irregular form which the change of 1693 had introduced. The Deputy Governor recommended to its attention the affairs of New York and the distresses of the friendly Indians, the Queens requisitions and the promises of the Proprietary before mentioned. The informality of the present convention did not escape the penetration of the Burgesses. Yet they unanimously declared their willingness to perform their duty with regard to these recommendations, "if the Governor would be pleased to settle them in their former constitution." As men are never at a loss for expedients when they are really disposed to comply a Committee of the Council met one of the Delegates "to consider how to promote that favourite object": A bill for this purpose and one for raising money were at the same time prepared and passed. For the support of the provincial administration and for the relief of the distressed Indians, the scanty sum of three hundred pounds was granted. The present "act of settlement" did not restore the old but introduced a new constitution. Yet as its existence proved of very short duration, its regulations deserve not to be now recollected. It saved former rights whether derived from the charter or laws. And with an absurdity proceeding from the pride of men it

provided; "that no part of it should be altered without the consent of the Governor and six parts in seven of the freemen in Assembly met":<sup>100</sup> As if the legislative power can prohibit its successors from abrogating what the legislature has formerly enacted. Here we discover the reason why popular assemblies contend with so much energy for the sole disposal of money: It is an argument everywhere so absolutely decisive.

An assembly convened in the subsequent year in conformity to the late act of settlement. The regulations beforementioned were instantly confirmed, because their validity had been doubted. Before the Delegates was laid a fresh requisition of aid by the Governor of New York; but they refused to grant the promised quota: Urging in excuse, the infancy, the poverty, the incumbered state of the colony.<sup>101</sup> Pennsylvania found cause in after times to regret, that her representatives found pretences to disregard equally the requisitions of the Queen and the assurances of the Proprietary. Notwithstanding the various changes she had undergone no country was ever blessed with a more rapid increase of industry and populousness, commerce and wealth than this province from the Revolution to the present period. Her government gave the same protection to the wealthy emigrant and to the needy fugitive; her laws promoted diligence, as a virtue of the greatest importance to an infant state; she extended her traffic whithersoever interest directed the navigator, as she disregarded the arts of navigation: And the governor and inferior magistrates countenanced and even protected pirates, as men who augmented her wealth without injuring her morals. The adjacent provinces, envying perhaps her prosperity gave notice to the ministers of England of all these disorders; and begged for an adequate remedy with the same zeal, as if a check given to the irregularities of one colony could alone promote the commercial ardour of another.<sup>102</sup>

During the various innovations in Pennsylvania, and her rapid advance to greatness, measures were

adopted to procure for Carolina, long depressed by anarchy, a change equally desirable. When the Proprietaries reflected on the continued distractions of this turbulent colony and weighed the salutary advice that had been given them by the governor and Deputies, they did not hesitate to comply with the recommendation of sending thither one of their own body as chief magistrate. At a full meeting of the Proprietors held in June 1694, in order to consider of the state of the country, John Archdale, a quaker, whose prudence was equal to his great experience in colonial affairs, was appointed governor general of both the Carolinas. He was intrusted with larger powers than any of his predecessors, because "the present exigency requires it and he is in the nature of a Proprietor." He was instructed to pursue former orders at the same time that he studied in what manner to promote the improvement of the Colonies; to review their constitutions and to recommend to the Assembly such alterations as he might think for the general interests. And he was introduced by the Proprietors to their Deputies as a person who ardently desired to establish a settlement of affairs, satisfactory and permanent. Nevertheless his powers seem not to have been equal to his own opinion of the extent of his business. Having arrived in Virginia in June 1695 he wrote thence to his constituents for authority "to appoint new Deputies, to grant an abatement of the quit rents in arrear, to dispose of unlocated lands on reasonable terms." All these were readily granted, because they appeared to be absolutely necessary. He was received in August 1695, with universal acclamations, because the humility of his appearance offended no ones pride, punishment was dreaded by none, much was expected from his powers. And his endeavours seem to have proved successful. The equanimity of his conduct reconciled the various factions to each other; his acknowledged integrity prevented every suspicion of sinister designs; and his address procured a reformation of most of the evils which disorders of long continuance

had introduced. The Assembly, which he not long after summoned, and which the mildness of his manners extremely softened, zealously promoted his views, because the concessions before mentioned gratified the members. They passed an act for the redress of supposed grievances, for the settlement of the quit rents and other manorial rights, that for so many years had created the greatest dissensions. And they transmitted an address of gratitude to the Proprietaries for a liberality of sentiment and action, which, they had few opportunities of admiring in each other. To the Indian tribes, both foreign and domestic, he did that justice which they had seldom experienced before: And the Colonists felt the benefit of this laudable policy, that they have at all times but too seldom practised. Yet this man's morality was somewhat corrupted by the profligacy of the people and the times: He encouraged an illicit commerce, so repugnant to the moral sense; he countenanced piracy, so contrary to every system of laws. North Carolina remained during these transactions in the South almost without any perceivable government, the general receptacle of the fugitive, the smuggler and the pirate. At the expiration of two years Archdale delivered the Carolinas, which now were blessed with an unusual state of tranquillity, to the care of Blake; having justly acquired the honour of giving equal satisfaction to his employers and to the people, whose happiness he had thus promoted. Meantime various complaints were made to the ministers of England against these provinces, for seducing the inhabitants of other colonies; for trafficking contrary to law; for receiving pirates. And they wrote to the Proprietaries in terms which evinced what impression these accusations had made, "to take extraordinary care to discourage such things hereafter, so as to prevent similar reflections in future."<sup>108</sup>

At no period of the English annals had the national commerce flourished more luxuriantly than during the reigns of Charles 2d and his successor: At no period of

them had it ever declined with so much rapidity as during the war of the Revolution. The exertions, that England made during this contention, which had her independence and freedom for its end, were greater than she had ever made before, and beyond her abilities even when aided by the one half of Europe. During the first years of this momentous contest the merchants were deprived of their sailors by the advice of the Commons, in order to man the fleet that was to repel the invasion of the late king aided by France: And their inadequate Convoys were often delayed, sometimes refused, because the French had worsted the fleet of England in several rencounters, on her own coasts. The great demand for money and the debasement of the coin had checked universal circulation, and the unexampled taxes were consequently less productive at the same time that they ruined the industrious classes. The instability of the new government, and the disaffection of many of the great had a manifest influence on the national manufactures, because the minds of the people were often alarmed. Even after the decisive victory of La Hogue, neither was the trade of the conqueror so fully protected nor that of the conquered so completely ruined as might have been expected from the acknowledged naval superiority of the former. Ignorance, cabal, and treachery directed the divided councils of William. The English merchants, whose complaints are generally of all others the most attended to, filled the nation with accounts of their losses as considerable as they were well founded. In these calamities the colonial commerce fully partook, because it was intimately connected with that of the parent state. The conduct of the ministers was inveighed against not only as a criminal neglect of the nation, but as a treacherous sacrifice of her trade at the shrine of foreign interests. All these causes contributed to introduce this important subject into Parliament during the session of 1695-6. And a motion was made to establish a council of trade by an act of the legislature. But while one party opposed a measure so interesting to a

commercial kingdom, as infringing the prerogative of the King, and thereby changing the nature of the Constitution, and the other supported it, because favourable to liberty and the rights of the subject, the discovery of a conspiracy against the royal person closed the debate and turned the attention of every one to an object more alarming.<sup>104</sup> In order to prevent the revival of a similar motion that monarch not long after signified his intention to gratify the wishes of his people by the appointment of Commissioners, whose deliberations should have the advantage of the Colonies and of Commerce for their chief object.<sup>105</sup>

From the Restoration to the present period the superintendence of these distant settlements and the mercantile interests of England had been placed in various committees of the privy-council, though differently modified in proportion to the eventful changes of the times. May 1696 is the memorable epoch of the establishment of the Board of trade and plantations on its present footing. A commission then passed the great seal, directed to the great officers of state and to other persons of experience, for promoting the advantage of commerce foreign and domestic, for watching over the affairs of the Colonies. And the Commissioners proceeded to discharge the trust reposed in them with great zeal and ability. Various were the projects which they received and considered for promoting domestic industry, for urging foreign enterprize: Much time and attention did they employ in corresponding with the governors and other officers of the plantations; in perusing the various acts of different assemblies, which were transmitted for the royal approbation; in giving energy to the laws of navigation, that it was found so difficult to enforce.<sup>106</sup> And nothing engaged more their deliberate consideration in the year 1696, than the lamentable state of the colonies, which had suffered equally from the imbecility of internal divisions and the pressures of a formidable foe. It was perceived indeed, "that there were Englishmen enow not only to defend themselves but



even to drive their enemies from the northern continent." But the provinces were so separated in jurisdiction, so disunited by adverse interests and affections, that far from annoying their invaders they joined in no common measure for the defence of the common frontiers. Mutual Union had been recommended by Mary and quotas of aid appointed by her, because it was thought just, "that they should employ their own hands and purses, in defence of their own estates, lives, and families." But her requests were listened to with indifference, as each province felt only for itself, disregarding the common danger as unreal. How to unite and to bring into action the strength of so many discordant colonies, "while England spent so much blood and treasure in so lasting a war," employed the deliberations of the Board and exercised the thoughts of wise men. Much ought we naturally to expect from the wisdom of Locke, from the sagacity of Penn. The former however, aided by the experience of sensible coadjutors, could only propose the introduction of a military despotism, by investing all power, legislative and executive, in a Captain General of royal appointment. The last recommended the establishment of a democracy, which would have soon engrossed all authority and erected independent Empire. Neither proposal was accepted; because the one was tyrannous; the other was unsafe. When surrounded with difficulties statesmen often find relief from perfect inaction. Yet the ministers of William were urged to apply a speedy remedy to those inveterate disorders with the anxiety of men who feared it might come too late to prevent the bad consequences that England and her colonies might find full leisure to regret. Let us not however cast hasty blame on the wisdom of that reign: The same perplexing embarrassments have descended with little variation to the present times, yet no man has been found who can unravel the intricate knot, by making the advantages of union and the interests of freedom coalesce.

## AUTHORITIES AND NOTES.

## VIRGINIA.

' Andros's correspondence *Virg<sup>a</sup> Ent. 5 v. p. 223-40.*—  
 ' *Laws p. 173-5.*—' *Ib. 177.* The revenue collected for the College on the exportation of skins under the act before mentioned amounted to £251—0—5 a year. *Virg<sup>a</sup> A. p. 95.*—  
 ' *Virg<sup>a</sup> Ent. 5 v. p. 244.*—' *The Stat. of the 10th & 11th W<sup>m</sup> 3 ch. 21. S. 29* declared: "That no tobacco shall be exported from the Colonies otherwise than in cask or chest:" And this law and the practice under it continued unchanged to the present times.—' The amount of the warlike stores then sent to Virginia was £807. 4. 10. *St<sup>r</sup>. Virg<sup>a</sup> Ent. 5 v. p. 257*: other stores were not long after sent amounting to £655. 12. 1. *Id. 287.*—' *Id. p. 266-70.*—' *Laws p. 179.*—' *Virg<sup>a</sup> Ent. 5 v. p. 299-301.*—<sup>15</sup> *Id.* The Governor seems to have been the only man in Virginia who approved of sending the appointed quota of aid to New York. The sentiments as well as the state of that most ancient dominion will appear in a light sufficiently striking from the following dispatch of Mr. Secretary Wormley, a man of the greatest experience in its affairs, of the 10 June 1695 to the Committee of Council: "The revenue is in arrear and not sufficient to pay contingent charges much less to aid New York; nor is there any probability of its being better during the war. And the dependence of this country is not so much upon New York as has been represented to require such supplies; considering how great a loss the want of two hundred mens labour in this colony will be to the crown, besides the weakening the country if attacked." *Ib. 295.*—  
 " *Virg<sup>a</sup> Ent. A. p. 1-11-208.* The Board of Trade having informed Andros of its appointment and desired his answer to queries, he transmitted in July 1697 the following particulars, from which we may judge of the political state of the Colony. The province had been then divided into twenty-three counties. The numbers of the people had never been taken but only of the taxables, which contained the white men upwards of sixteen years of age, the white women who laboured in the fields, the Negroes upwards of fourteen: From the year 1692 to 1696 all these had amounted to about 19,000 but never to 20,000. The militia consisted of 2020 horse and of 6278 foot; in all

8298 men fit to bear arms: And there were constantly posted at the head of each of the four great rivers as Rangers a Lieutenant and eleven men. The people were chiefly employed in planting tobacco, but the scarcity of goods of late had forced them upon manufacturing woolen, linnen, and shoes, and a few began to make tar. Besides tobacco they sent to England skins, furs, and pipe-staves; to the other colonies they traded little: And the number of vessels belonging to the Colony were two ships, four brigs, and nine sloops; but there were few or no sailors except those who came from other ports, because they generally turned planters. The domestic Indians were extremely free, and no means had ever been used to convert them. And the general state of the country is plenty and peace. Virg<sup>a</sup> A. 40-115.

## MARYLAND.

" Mary<sup>1</sup> Ent. 1 Ent. 1-18.—" The speech in Mary<sup>1</sup> papers C. No. 5.—" Bac. Laws 1692 ch. 4-20-42.—" Mary<sup>1</sup> Pap. C. No. 5.—" Laws 1692 ch. 17.—" Mary<sup>1</sup> Ent. 2 v. p. 62.—" 1692 ch. 2.—" Mary<sup>1</sup> Ent. 3 v. 208-11.—" 1692 ch 5.—" 1692 ch. 84.—" The address M. Ent. 3 v. p. 52.—" Id. p. 76: Copley sent a trusty Messenger to Pennsylvania, in order to view its disorders, to inspect its trade, and to sound the inhabitants how far they would consent to an incorporation with Maryland. Ib.—" Virg<sup>a</sup> Ent. 5 v. p. 244.—" Id. 288.—" Laws 1694. ch. 6.—" Virg<sup>a</sup> Ent. 5 v. p. 266-7.—" Mary<sup>1</sup> Ent. 2 v. p. 130-50-80-95.—" Bac. Laws 1694, ch. 1-33.—" Mary<sup>1</sup> Ent. 2 v. p. 178.—" The sum then sent was £333. 6. 8; which was said to be towards maintenance of his majestys troops at New York. 1695 ch. 27.—" These addresses are in Mary<sup>1</sup> A. 71-142.—" Laws 1695, ch. 6.—" Mary<sup>1</sup> A. 52-5.—" Ib. 357.

Maryland had been already divided at the departure of Nicholson in the year 1698, into 13 counties and into 30 parishes. The number of taxables, which contained neither the old upwards of sixty, nor the young under sixteen, nor the white women, amounted

in the year 1694 to	9747
in 95	10390
in 96	10776
The taxables had increased in four years more to	12,214
The <i>untaxables</i> to	20,044
The number of souls in 1700	32,258

Nevertheless Nicholson wrote in July 1697; that the people emigrated to Pennsylvania, because they expected superior advantages; that they manufactured linnen and woollen, though the assembly would not confess this, least an act of Parliament should be made to restrain them; that he found difficulties in getting ships condemned in the common law Courts, because the Juries would not find for the King, and as a remedy he proposed that the principal officers of the ships of war should be sworn to execute the Acts of Trade; and that tobacco had become at length scarce from the greatness of the demand. For the before mentioned notice see Mary<sup>1</sup> Pap. A. p. 81-150; E. p. 10. Ent. A. p. 138.

With regard to the laws passed in Maryland during the years 1692-94-95-96 it is remarkable that they were not formally considered by the ministers of England till October 1699, when many of them were repealed by the advice of Trevor attorney General. This neglectful delay arose from the procrastination of Ward his predecessor who retained them till he was made chief Baron, and then returned them without any report. Mary<sup>1</sup> pap. A. 10-11-436-41.

## MASSACHUSETTS.

" Hutch. hist. 2 v. p. 12-15.—" Ibid. 50-1.—" N. Eng. Ent. 3 v. 414-17-19.—" Hutch. hist. 2 v. 62; Neals. hist. 2 v. ch. 12.—" Neal. ch. 11.—" See the minutes of the Committee of Council with regard to these laws N. Eng. Ent. 4 v. p. 187-200.—" His letters and petition in the N. Eng. pap. 6 v.—" For all these things see the correspondence in N. Eng. Ent. 3 v. p. 454.—Pap. 6 v. D. 46-7. The force under Wheeler consisted of two 3<sup>d</sup> rates, three 4<sup>th</sup> rates, three 5<sup>th</sup> rates, besides a multitude of smaller vessels. Id.—" Neals N. Eng. 2 v. p. 491; see the treaty in N. Eng. pap. 6 v.;—Colden.—" For all these facts see N. Eng. Ent. p. 76-92-100: And Journ<sup>1</sup> 7 v. p. 259.—" Journ<sup>1</sup> 7 v. p. 205-6.—" Hutch. 2 v. p. 83-4.—" The address in N. Eng. Ent. 4 v. p. 179.—" Journ<sup>1</sup> 7 v. p. 401-4.—" Hutch. 2 v. p. 88-9.—" Same p. 94.—" Neal 2 v. 552.—" N. Eng. Ent. A. p. 51-2.—" Same 53-61.—" The address in the same p. 93.—" These facts are contained in N. Eng. Ent. A. 114-88. Ten pieces of ordnance and one hundred barrels of gunpowder were sent to Massachusetts by Lord Bellomont.—" Same p. 168-75. The commission of Lord Bellomont was different from those of other royal governments in this respect; that it was founded on the charter. The same authority over the Captains of the Kings ships that had ruined

his predecessor was now conferred on that nobleman. He was invested by his instructions with the sole power of pressing seamen for the royal navy: And he was required to grant warrants to procure men when requested. He was commanded "to allow no printing press to be kept nor any book to be printed without his leave. He was required to observe the acts of Trade and to encourage the officers of the admiralty and Customs. His commission and instructions were signed by the Lords Justices—Canterbury—Somers—Romney—Oxford. The order with regard to the pressing of seamen was "very acceptable to the people who gratefully acknowledged his majesty's therein." Same p. 320.—" Same p. 48-186-208-21.

## NEW YORK.

" N. Yk. Ent. 3 v. p. 1-8.—" Laws p. 18.—" N. Yk. Ent. 2 v. p. 450-2.—" N. Yk. Ent. 3 v. p. 8;—Colden ch. 9.—" Laws 21.—" N. Yk. Ent. 4 v. p. 19-26:—On this occasion President Lloyd of Pennsylvania wrote to Fletcher in January 1693-4, the subjoined characteristic note: "We can more readily believe your burdens than give you relief herein: We commiserate you, but supply you at this juncture we cannot. The Delegates of the freemen have not thought it advisable since our Proprietary's absence to consent to the raising of any money either towards the requisite expence of government or the accommodation of our neighbours. We shall lay your requisitions before the Council but expect little success." From N. Yk. Ent. 3 v. p. 60.—" N. Yk. Ent. 3 v. p. 29-32.—" Colden ch. 10.—" N. Yk. Ent. 3 v. p. 56-9.—" Smiths hist. p. 119.—" Laws p. 19-21.—" N. Yk. Ent. 3 v. p. 59.—" Same p. 71-83-150-1. The Establishment for the four companies of 400 from the 1 April 1694 was £6081. 3. 4. a year, payable out of the monies appointed for the pay of the land forces of England. N. Yk. Ent. 3 v. p. 155. The following state will enable the reader to form an opinion of the respective strength of the various colonies during the wars of William. From N. Yk. Ent. 3 v. 150-1.

An estimate of the general charge that is necessary for the defence of Albany and securing the Indians and adjacent colonies from the attempts of the French.

600 men with their officers	£16800	N. Yk. money,
Incidental charges	2000	at 30 per ct.
Gifts to the Indians	2000	
	<hr/>	£20,800

Supposed fighting men		quota	
Virginia	6000	120 men	£4200
Maryland	4000	80	2800
Pensylvania	2000	40	1400
Connecticut	3000	60	
N. England	9500	176	6160
Rhode Island	1200	24	840
New York	3000	100	3300
	<hr/>	<hr/>	<hr/>
	28000	600	£20,800

Note by this scheme New York is to advance 40 men and the sum of £1200 more than their quota proportionable to the other provinces.

The quota of men or money to be furnished by the following colonies as approved by the Lords of the Committee of Colonies.

Connecticut	120 men	
Rhode Island	48	
Massachusetts	350	
Maryland	160	
Virginia	240	
New York	200	
Pensylvania	80	
	<hr/>	1198 men

With the consent of the Proprietors of Jerseys the Governor of New York is empowered by a clause in his commission as governor of Pensylvania to command any part of their [militia] as a quota 700

Standing forces at New York 1898 men

Secretary Trumbull communicated in August 1694 the Kings commands with regard to these quotas to the Colonies before mentioned N. Yk. Ent. 3 v. 142-6.

"These transactions with regard to Connecticut may be seen in N. Yk. pap. F 36-59; N. Yk. Ent. 125-6-33.—" N. Yk. Ent. 3 v. 90-2.—" For these intrigues see the letters transmitted by Fletcher to Sec<sup>r</sup> Blathwayt in January 1693-4. N. Yk. pap. E 23-5.—" 6-7 Wm. 3 ch. 30 (private) This is one of those acts of Parliament, which recites falsehood: And this circumstance is the more reprehensible in the members to whom it was committed, because they had delivered to them, by order of the house, the whole records and papers with regard to these transactions in the plantation office. These

may be seen N. Yk. pap. A.—" Hutch. 2 v. p. 85-6.—" N. Yk. Ent. 3 v. 41.—" Colden ch. 10.—" N. Yk. Ent. 3 v. p. 176; Presents were sent of the value of £200. Same 203.—" Colden ch. 11.—" Laws 25.—" N. Yk. Ent. 3 v. 255-6.—" Colden 13.—" Laws 26; N. Yk. A. 43-94.—" Same p. 1-19-35-40.—" Same 152.

## PENNSYLVANIA.

" The commission recites as the reasons of this extraordinary measure: "That by the great neglects and miscarriages in the government of Pennsylvania and the absence of the Proprietor the same had fallen into great disorder; whereby the administration of justice is interrupted, there is a want of defence, and Pennsylvania and the adjacent Colonies are in danger of being lost to the crown of England." [N. Yk. Ent. 2 v. p. 403.] Though there was some truth in these suggestions, yet they did not formally appear, because they had not been affirmed of a jury. And it ought to be remembered, that when the charters of Maryland and Pennsylvania were taken away there was no other formal act than the mere appointment of royal governors even contrary to the opposition of the Proprietaries of both.

" The subjoined letter of William Penn to Governor Fletcher demonstrates the falsehood of the suggestion; "that this change was introduced probably *in concert* with him." [In the N. Yk. papers F 24.]—"Having assurance that a commission goes to thee with this ship to command my province at least during the war and in my absence, I thought it fit by the same opportunity to give thee this caution, that I am an Englishman and that country and government of it inseparably my property, dearly purchased every way and much indebted to me and my children; yet, that there is no quo warranto brought nor trial nor judgment judicially passed in that affair: And therefore I must impute it to some information given the Lords of the Committee of plantations and an excessive care in them over the English territories. Therefore hope thee will tread softly and with caution in this affair.

Thy friend—

Wm. Penn."

"5th October 1692."

" A letter sent about the same time by Penn to certain persons in Philadelphia and transmitted by Fletcher to the Lords of the Committee of plantations discovers the true springs of the various movements during his administration in Pen-

sylvania. There is a copy of the letter among N. Yk. papers F<sup>o</sup> 23.

Insist upon your patent, says Penn, with wisdom and moderation but steady integrity; you are to bear and obey the Crown of England speaking in the voice of the law; which this is not, but *sic volo sic jubeo*, doubtless upon advice of emulous neighbours that suggest that the French will make away with the province. Set forth its singular situation; your charges and labours; that the government was more your motive than the land; that it will tend to the ruin of the Colony which brings in Customs: And send this over to and both friends and others will deliver your representation to the Lords of the Committee of plantations or to the King in Council, if you will but protest against the governor of New York upon his arbitrary Commission.

" For the foregoing facts see N. Yk. papers 4 v. F.—  
 " Mod. Un. hist. 41 v. p. 10–12.—The laws then enacted under the authority of Fletcher's administration being transmitted to the ministers of England they required Penn's formal confirmation of them even after the attorney General had reported in their favour. Pensy<sup>1</sup> papers p. 179–85.—" N. Yk. Ent. 3 v. p. 48.—" Hist. Rev. p. 31–3; Mod. Un. hist. 41 v. p. 13.—  
 " In July 1694 Sir Edward Ward and Sir Thomas Trevor gave it as their formal opinion: That though the patent had conferred the government civil and military on the petitioner, yet that in cases of extraordinary emergency arising through the default of the petitioner his majesty may constitute a governor for the protection of the province; and that upon the grounds mentioned in Colonel Fletcher's commission his majesty may grant such a commission, but when these reasons fail, the right of government doth belong to the petitioner. Pensy<sup>1</sup> pap. 173. Such was the opinion of the ablest Judges and Lawyers during the reign of William; though the notion of a *supposed necessity* justifying the prerogative had been exploded in the famous case of ship-money; though the Declaration of right had affirmed, that the most trivial privileges of the subject shall not be taken away by a King of England without legal process.—" N. Yk. Ent. 3 v. p. 134–46.—" Prop. A. 1–2.—" Hist. Rev. p. 33.—" Mod. un. hist. 41 v. p. 13–15.—  
 " The letters of the governors Copley and Nicholson in Mary<sup>1</sup> Ent. everywhere.

## CAROLINA.

" For all these facts see Car. Ent. 1 v. p. 113–18; 3 v. p. 17–35; Proprieties C. p. 4; and Plantations Gen<sup>l</sup> A. p. 39.



## ENGLAND AND THE COLONIES.

<sup>106</sup> Burnet O. T. 4 v. 239 ; D'Avenant's works, 3 v. p. 89. Id. appears from accurate details in the Plantation office [Plantations Gen<sup>l</sup> A.] there was allowed to carry on the whole trade of the Colonies during

The year 1690	229 ships, carrying 28,243 tons	men 2508
1692	46,248	4111

The whole exports to the continental colonies from Michaelmas 1696 to Michaelmas 1697 amounted only to £140, 132. 7. 6.  
The imports during the same period 279, 854. 11. 9.

<sup>106</sup> Com. Journ<sup>l</sup> 8 v. p. 156.—<sup>107</sup> In pursuance of the order of the Commons in October 1696 and of that of the Lords in February following, the Board laid before the two houses copies of their commission and intelligent reports with regard to national commerce and colonial affairs. *Miscellanies plant. off.* 1 v. p. 1-50.—<sup>107</sup> It may gratify curiosity as well as disclose a variety of useful information to lay before the public *The Representation of the Board to the Lords Justices in September 1696 with regard to the then State of the Colonies.* From Plant<sup>a</sup> Gen<sup>l</sup> A. 59.

In obedience to your Excellencies commands of the 26 of August last we have read the paper thereto annexed which leading us into the consideration of the present state of his majestys plantations in the north continent of America we find that his majesty hath been at the charge of sending four companies from hence thither and for the maintaining of them there for many years last past. We are also told (for we cannot yet get a sight of the accounts) that that little province [New York] besides the loss they have sustained at sea as Colonel Fletcher their governor writes hath been at above £30,000 [money of the province at the Exchange of 30 pct.] charge in securing the frontiers against the attempts of the French and the Indians joined with them. This great burden having been thought too heavy to be born by this single province, which was as it were the outguard to his majestys neighbouring plantations in America, her late majesty of ever blessed memory was pleased to write to the governors of Virginia, Maryland Pensylvania and New England to agree upon a quota of men or other assistance to be given by each colony or province for the defence of New York as occasion should require but by the neglect or various pretences of the several provinces the intended quota having not been settled

and the Colonies concerned not having come to any agreement according to her majestys direction, she was pleased for the preservation of those plantations to establish the following quota in 1694 viz.

Connecticut	120	Maryland	160	New York	200
Rhode Island	48	Virginia	240		
Massachusetts	350	Pensylvania	80		

And to signify her pleasure to those provinces that that quota of men or the value of the charges of maintaining them should be the measure of assistance to be given by the said provinces respectively for the defence and security of New York; which order of her majesty by reason of the distinct and independent governments and of those of his majestys provinces hath very uncertainly and imperfectly been complied with, some of them having sent more some of them less in proportion of their several quotas and some none at all.

His majesty has subjects enough in those parts of America not only to defend themselves against all the attacks they may apprehend from the French in Canada and the Indians joined with them but even to drive them out from hence; but they are so crumbled into little governments and so dis-united in those distinct interests that they have hitherto afforded but little assistance to each other and seem (as they now are) in an ill posture and much worse disposition to do it for the future. And it is almost incredible that his majestys governor of New York in the middle of above 40,000 English that he has in his neighbourhood, should say as he does that he has but the four companies his majesty sent and are in his majestys pay there to rely on for the defence of that frontier in case of any attempt from the French.

We having with our outmost care considered this whole matter are humbly of opinion :

1st. That there is force enough in those plantations to resist and repel all attempts that may be made upon them by the neighbouring French and their Indians; nor can it be imagined that so great a number of English there should think it much to employ their own hands and purses in defence of their own estates lives and families; but should expect to be wholly supported from England which hath spent so much blood and treasure in the carrying on so lasting and expensive a war.

2ly. We humbly conceive that the strength of the English there cannot be made use of with that advantage it ought for the preservation of those Colonies unless they be united. Not

though his majesty should be at the charge to send more force from hence. For if, as is pressed by the governor of New York, the soldiers which his majesty has there should be made up full 500, that indeed might be a garrison to secure Albany against the French, but not the other plantations; since the French would certainly there decline that fortress and endeavour to make an impression upon some of the other provinces, careless of their own defence and not so well guarded.

3ly. That a great part of that country being by grants from the Crown in the hands of private proprietors, and so cannot possibly be united under one government, we are humbly of opinion, that there can be no other way of uniting the forces of those several plantations to make them effectual for the preservation of the whole, but by putting them all under one military head or Captain General; which that his majesty has power to do; both the necessity of the preservation of his people in time of danger must needs satisfy every reasonable man as well as the judgement of his majestys Attorney and solicitor general given the 2d of April 1694, convinces us that it may be done by law. Their words in answer to a reference made to them concerning this matter are as followeth: "We are humbly of opinion that the charters and grants of these colonies viz. Connecticut, Rhode Island, East and West Jersey do give the ordinary power of the militia to the respective governors thereof, but do also conceive that their majestys may also constitute a chief commander, who may have authority at all times to command or order such proportion of the forces of each colony or plantation as their majestys shall think fit and further in times of invasion and approach of the enemy with the advice of the Governors of the Colonies to conduct and command the rest of the forces for the defence and preservation and defence of such of those colonies as shall most stand in need thereof, not leaving the rest unprovided of a competent force for their defence and safety, but in time of peace when the danger is over the militia within each of the said provinces ought as we humbly conceive to be under the government and disposition of the respective governors of the said colonies according to their charters."

Whereupon we crave leave humbly to represent to your Excellencies that we cannot conceive how it is possible that those provinces should be preserved unless his majesty shall be pleased to constitute and appoint during the war some active vigilant and able man zealous for his service and government to be Captain general of all his forces and the militia of all the provinces colonies and plantations on the continent of

North America with a power to levy arm muster command and employ them on all necessary occasions for the defence of those countries under such limitations and instructions as to his majesty shall seem best for his service and the good of those colonies and also to appoint and commission officers to train and exercise at convenient times such of the inhabitants as are fit to bear arms that they may be expert and ready at handling of their arms and military exercises; since it will be too late to begin to make them soldiers and fit them for the defence of the country when the danger is come upon them.

But because the Quakers inhabiting some of those provinces out of mistake or pretence of conscience refuse their personal aid in the use of force against their majestys and their enemies it may be left to the prudence of the said Captain General to receive from them in money their share of assistance for the support of those men whom he shall find at any time necessary to raise and employ in their and their neighbours defence.

2ly. And we further humbly offer that we conceive it necessary that the said Captain General should have the power of governor of any of the said plantations immediately depending on the Crown whilst he is present in it.

Unless this be done we do not see how those provinces can be preserved, for in the present state they are in, wherein they do and always will refuse one another mutual assistance minding more their present profit than common defence it is not conceivable how it can be avoided, but that they should fall into the power of so active an enemy as France and one after another be all destroyed. The Massachusetts, Connecticut, New Hampshire, Pennsylvania, Maryland and Virginia, all allege in excuse of their not sending aid to New York, "that they are all as much exposed to the enemy as that province:" and yet we do not find that they are in a very good posture of defence, much less can they be depended on for a timely and vigorous assistance to one another in case of danger, unless somebody be there on the place with power to compel them to it. Whereas a vigilant general there having under his eye the care of the whole would always be at hand to oppose the enemy with so many of the forces that are nearest which would be with greatest safety and least charge to those countries and without any disturbance and expence to the remoter.

This he would be enabled to do by having constant intelligence with the neighbouring Indians our friends of the motions and designs of the enemy; upon which consideration we must crave leave further to represent, that the said Captain General

should be instructed to take all manner of care to keep the Five Nations and what other Indians are yet in amity with us firm in friendship ; for it is beyond question, that it would be utterly impossible for his majestys subjects to subsist in those parts, but they must inevitably be forced to leave them, if all the neighbouring Indians should once be got over to the French and become our enemies. To prevent that and to secure them to his majestys interest it will be expedient that the said Captain General should from time to time make them such presents sent from hence as he should find necessary and that some of the most leading and eminent amongst them should be entertained and have constant pay as Ensigns or Lieutenants of his majesty and be treated as his officers ; and next that they should be rewarded for all execution done by them on the enemy and the scalps they bring be well paid for. Further that some lusty vigorous youths of the English should accompany them in their expeditions, huntings and other exercise, who by inhabiting amongst them and learning their language grow acquainted with their woods, rivers and passes and come in a little time to be able to endure their fatigues. All which would be a means to familiarize them to us and strengthen their union with us ; and to this those young men should be encouraged by a certain assurance of rewards and preferment which they should never fail of according to their deserts in this service. That some of the bravest or most credited of our Indian friends should be brought (if they can be persuaded to it) into England to see the strength of his majestys forces by sea and land and the populousness of his dominions, especially of this great City of London : the certain knowledge of which would be of great force to confirm them in their union with us ; and that captives of the Indian enemies should be brought into England for the same purpose. The knowledge of his majestys power and greatness serving to deter the one as well as to hearten and animate the other.

And lastly, that effectual means should be taken for the conversion of them to the protestant faith ; for among these here as well as among all other men, religion has been found by experience to be one of the strongest bonds of Union : For this good use we think the Governor and Company here in London for propagating the gospel in New England and the parts adjacent in America will be very ready to apply their stock and revenue when they shall be made to see, that the converting the Mohawkes and others of the Five Nations (to which they have already contributed some small matter) is of the greatest importance imaginable for preserving of those of

the protestant religion who are in those parts as well as for the gaining new converts to it.

These things relating to the Indians we think we may with the more confidence recommend, they being with great care and earnestness practised by the French for the gaining and holding of the Indians in Canada, where if they go on by these means to prevail on them as they have hitherto done 'tis to be apprehended his majestys subjects shall not be long quiet and safe in these his northern plantations. On the back of which the French daily and with great industry extend themselves and seem to have some other view than bare planting there; which gives us just reason to add, that we humbly conceive some such effectual course as we have here proposed should be speedily taken, for fear it should come too late; for there seems to us a great probability that the French will at this time have some aim that way.

TANKERVILLE	JOHN LOCKE
PH. MEADOWS	ABR. HILL
JOHN POLEXFEN	

Whitehal 30 Sep<sup>re</sup>  
1696

Remark. It seems unnecessary to point out the extravagant illegality of the appointment of a Captain general here recommended. That a King of England is generalissimo of the state is acknowledged: And that he may appoint generals to command the troops, *which have been raised with consent of the state*, in every dominion belonging to the crown follows as a necessary consequence. But of his own authority he cannot levy an army and the money which must subsist it: And he cannot therefore empower another to do so. It may however gratify the public to peruse what that renowned legislator William Penn recommended on this important subject. And with this view is subjoined: A brief and plain scheme how the English Colonies in the north parts of America, to wit Boston, Connecticut, Rhode Island, New York, New Jersey, Pensylvania, Maryland, Virginia, and Carolina may be made more useful to the Crown and one anothers peace and safety with an universal concurrence. [From Plant<sup>a</sup> Gen<sup>l</sup> A. p. 102.]

1stly. The several colonies before mentioned do meet once a year and oftener if need be during the war, and at least once in two years during peace, by their stated and appointed Deputies to debate and resolve upon such measures as are most advisable for their better understanding and their public tranquillity and safety.

2ly. That in order to it two persons well qualified for sense, sobriety, and substance be appointed by each province as their

Representatives or Deputies; which in the whole make *the Congress* to consist of twenty persons.

3ly. That the Kings Commissioner for that purpose specially appointed should have the Chair and preside in the said Congress.

4ly. That they shall meet as near as conveniently may be to the most central colony for ease of the Deputies.

5ly. Since that may in all probability be New York; both because it is near the center of the Colonies and for that it is a frontier and in the Kings nomination, the Governor of that Colony may also be the Kings high commissioner during the session, after the manner of Scotland.

6ly. That their business shall be to hear and adjust all matters of complaint or difference between province and province: As 1st.; where persons quit their own province and go to another that they may avoid their just debts though they may be able to pay them; 2ly. where offenders fly justice, or justice cannot well be had upon such offenders in the provinces that entertain them; 3ly. To prevent or cure injuries in point of commerce; 4ly. To consider of ways and means to support the Union and safety of these provinces against the public enemies; in which Congress the quotas of men and charge will be much easier and more equally set than it is possible for any establishment here to do. For the provinces knowing their own condition and one anothers can debate that matter with more freedom and satisfaction and better adjust and balance their affairs in all respects for their common safety.

7ly. That in times of war the Kings high commissioner shall be general or chief commander of the several quotas upon service against the common enemy as he shall be advised for the good and benefit of the whole.

Remark: When Pen delivered the above project to the Lords Commissioners of Colonies on the 8th of February 1696-7, "He further explained his meaning in it was principally for adjusting the differences that might arise between any of those Colonies in civil matters not military; and that the determinations to be made in the assembly by him proposed should be by plurality of voices." Journ<sup>l</sup> A. p. 395. But this plausible project was little regarded by the Board or by the public, though recommended by the powerful pen of D'Avenant.

II.

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LETTERS

ON

SMITH'S HISTORY OF NEW YORK,

BY

CADWALLADER COLDEN.





## NOTE.

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CADWALLADER COLDEN, the author of the following letters, will always be conspicuous among the distinguished men of New York during the eighteenth century. Probably no American scholar of his time was better, or more widely known, and his correspondence with leading scientific men in Europe as well as America forms a very important part of the collection of his manuscript papers now in possession of the New York Historical Society, and hereafter to be published in the series of volumes of which this is the first. The collection embraces Colden's general as well as official correspondence, beginning as early as 1710 and ending only with his retirement from public life a few months before his death in 1776.

"Governor Colden," says Verplanck, "was a scholar of various and extensive attainments, and of a very great and unremitting ardour and application in the acquisition of knowledge. When it is considered how large a portion of his life was spent in the labors or the routine of public office, and that however great might have been his original stock of learning, he had in this country no reading public to excite him by their applause, and few literary friends to assist or to stimulate his inquiries, his zeal and success in his scientific pursuits will appear deserving of the highest admiration. A great mass of manuscripts on mathematical, botanical, metaphysical and theological learning, in addition to the works published during his life, afford ample proof of the extent and variety of his knowledge, and the strength, the acuteness, and the versatility of his intellect."

The publication of the "Colden Papers" will insure a permanent memorial of his fame—a lasting monument of his industry and various acquirements, which may go far to redeem New York from the sin of neglect, if not of ingratitude.

William Smith's History of New York was included in the first series of publications of the New York Historical Society, being a new edition of the original work entirely revised by the author, with a continuation making a second volume, from the author's original manuscript. A subsequent volume of the Society's collections contains the direct correspondence of Lieut. Gov. Colden with the father of the historian and the historian himself, respecting certain alleged errors and misstatements in his History. This was mainly with reference to the transactions between the Government of the Province and Captain Laughlin Campbell, which grew out of a "scheme of Governor Clarke for settling the lands in the vicinity of Lake George with a colony of Protestant Highlanders." This subject is further discussed in the letters now printed.

These letters, copied from the originals and now first published, have an interest in themselves which seems to warrant their separation from the mass of the collection and present publication. Although incomplete, and not intended at the time for the public eye, they are eminently suggestive; and as they throw gleams of light on many obscure passages of New York history, will undoubtedly be regarded with interest as materials of history not less valuable from the want of reserve and freedom of treatment characteristic of a familiar domestic correspondence.

THE COLDEN LETTERS ON  
SMITH'S HISTORY.

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CADWALLADER COLDEN TO HIS SON.

[1759.]

DEAR SON,

As I have been conversant in the public transactions in this Province near forty years, and am now by my age become unfit for action and retired I have thought that I could not do better than to employ part of what time I have remaining in writing Memoirs of the public transactions for the use of my children wherein I was privy to or could discover the true motives of action. There is more to be learned from experience than can be by precept, for the first makes a much stronger impression on us than the other and I am desirous that my children if possible may have all the advantages of my experience which perhaps I acquired too late in life for my own advantage.

I designed at first to have wrote only loose memoirs of what passed in my own time but having lately read Mr. Smiths History of New York I think that as this is the first and only History of this Province, it probably may serve as a foundation for future History and therefor I think it may be of use to you to make some remarks on it in the first place He has not been informed of some things of other things he has been misinformed and I wish I could not add that some things he seems to have willfully misrepresented. When I come to my own times I shall intermix the remarks on that History with the memoirs which I think may be of use to my children.

Truth and Sincerity are so essential to History that as an Historian would be laught at who should introduce his History with I will tell you no Lye I will not deceive you so when History is introduced more solemnly with *The sacred Laws of Truth have been infringed neither by positive Assertions, oblique, insidious Hints, wilful suppressions or corrupt misrepresentations\** the author with men who know the world puts the reader more upon his guard.

Mr Smith places the Value of his History on his having extracted it from the Records of the Province no doubt this is of great advantage for the ascertaining of facts and chronology, but little can be learned from thence of the Motives and Springs of Action and the life of History the great use of it is in discovering these first Motives and Springs of Action. There are many things in his History of which he could have no information from the Records.

Mr Smith gives the arguments at large which the Dutch Governor made use of to support the Pretensions of the Dutch to the New Netherlands. This may be grateful to the Descendants of the Dutch who live in New York but it may be expected by the English that he should have given the answers to these pretensions in which he is silent. The Princes of Europe founded their pretensions in America on the first Discovery and in taking possession It was impossible to take possession of every part at once but by that of part with a publick Declaration of the Territory they intended to hold by this Discovery and actual Possession There is no question that the first Discovery of North America was under Commission from the King of England and that the first settlement was made by the English with a publick Declaration by the Kings letters Patent that he claimed by that discovery and possession from the 39th to the 45th degr. of Latitude. After this according to the rules then and there observed among Potentates no

\* Preface to Smiths History.

Nation in amity with England could settle within these bounds without a Breach of the Amity between them. It must certainly [have] been on reasoning from these Principles and the argument of superior force that the Dutch expelled the Swedes from Delaware. The Dutch took advantage of the Intestine disorders and the civil war in England to establish themselves in the country claimed by the Crown of England and the English certainly were in the right to reclaim this Country as soon as the publick tranquillity permitted them to do it. The Dutch in a similar case would have done the like. The cautious proceeding of the States general in giving their Authority to the settling a Colony on Hudsons River shews that that they were sensible of the Justice and force of the English claim. It is common on Declaration of War to reclaim countries which had been yielded on treaty for on a declaration of War all former treaties become void and in such reclaiming either side is fond of making use of the Historeans of the other side to justify their claim.

The Dutch in this Province it is probable think the Articles of Surrender are still in force and that any breach of them is a piece of injustice to them and therefore among other things they may in their own minds justify themselves in carrying on the illicit trade with Holland in opposition to the Laws of Trade which has been carried on from New York for many years. But

1. It may be justly doubted whether these articles could be construed properly to extend farther than to the persons of the Dutch Inhabitants who then submitted

2. When afterwards the States General by Publick Treaty quitted all claim to this country no regard is had of these articles of surrender but the Country is absolutely given up without condition

3. If these very persons who submitted to the English Government voluntarily and without force renounced their allegiance and submitted a new to the States of Holland they then forfeited without doubt all

the privileges that they could claim by the articles of surrender

That this was the case when the Dutch regained in 1673 what they called the New Netherlands I believe is true I have been told by some of the Dutch Inhabitants of New York who remembered the thing well, That the Dutch Ships when they came under Staten Island had no thoughts of attempting the conquest of New York but only to take in wood and water knowing there was not sufficient force to hinder them but that while they were there the Dutch inhabitants invited the Dutch commodore to take possession of the place at the same time informing him of the weakness of the English Garrison the Govr. and the greater part of the Garrison being then absent at Esopus on an occasion which I shall afterwards mention

When the Dutch ships came up to the town the Inhabitants all flocked to the shore to welcome them with all the demonstrations of joy which they could make The Inhabitants of Albany Esopus and on Delaware river made their submission to the Dutch without the least appearance of force When the case is thus truly set forth the surrender without capitulation is not so extraordinary nor the Lenity of the sentence against Manning who commanded in the fort so ridiculous as it appears to be according to the account given of it in Mr Smiths History.

Mr Smiths account I know is founded on the records of New York but can any man believe that Manning on his trial would confess absolutely the charge exhibited against him without excusing himself from the Disposition in which the Dutch Inhabitants were and the weakness of his own Garrison or that if he had not greatly extenuated his crime that so mild a sentence could have been pronounced against him and by which he was certainly absolved from all Treachery tho' found guilty of Cowardice.

While Col Lovelace was Governor the Esopus Indians made war on the Dutch Setlers there. The Indians

killed several and made many men and women prisoners. The remainder were forced into a small stockaded fort where they defended themselves with great difficulty against the Indians till they were relieved by the English Garrison of New York the greatest part of which Col Lovelace sent with some pieces of Cannon for their relief. While the Christians were besieged the Indians burnt some of their prisoners alive in sight of the Fort and while the Dutch of Esopus were in this distress several of their own Countrymen from Albany came to a place called Sagartie about 10 miles from the fort and supplied the Indians with all kinds of ammunition. Such are the effects of having no other principle of action but the Love of Money. The Dutch of Esopus to this day remember this behavior of their Countrymen of Albany and speak of them with the greatest Indignation.

The Dutch of Esopus were all Farmers those of Albany who supplied the Indians were Handlers (as the Dutch call them) people who live by retailing goods to the Indians.

As soon as the English Soldiers arrived the Indians fled into the Woods. They were pursued and defeated. Peace was soon after concluded by which the Indians yielded all the land as far as any cannon had been carried which was to the upper end of Marbletown. Coll Lovelace gave these conquered lands to his Soldiers and called it Marbletown. The Common men generally sold their shares and dispersed but the families of the Officers remain in that place to this day. They were Broadhead Garton Nottingham and Pawling.

It may be observed to the honour of the English that there is not one instance of their killing and destroying in cold blood merely for their own security where their enemies may have been thought too numerous. The Spaniards in America and the Dutch in the East Indies have acted otherwise. Many thousand innocent people have been Sacrificed to their Jealousy. I was told of one instance of the like nature in this Country.

On a certain occasion, I walked from the North or



Hudson's River to the east river at a little distance from the town in company with the Mayor and several old men who went on purpose to shew me the boundaries of some lands as we passed over a piece of high ground between the place where Mr DeLancy the Lt Gr now lives in the Bowery and the East River I was told by some of them that in the Dutch time a great number of Indians fled from the Eastward and encamped on this rising ground in hopes of the Assistance and Protection of the Dutch They were received friendly but a number of the men of the town dressed themselves like Indians in the night went out and fell upon the Indians while they were a sleep murdered the greatest number of them, while a few made their escape into the town as to their friends and the Indians never discovered this piece of treachery. The Dutch Historians generally pass over these acts of cruelty in their own countrymen however necessary they may have been thought for their own security and the condemning them to oblivion or secret-ing them from all other nations is certainly most constant with this kind of Policy but as certainly it is as much for the interest of other nations that they should not be forgot especially to the English who abhor all such cruelties

As to Mr Smiths note at the bottom of page 32 with regard to the Law post liminium I would ask this Question if the Dutch by virtue of this Law could reclaim their inheritance after they had reconquered this country could the English by the same law reclaim their inheritances if the Dutch after the English recovered the country

While I have freely censured some parts of Mr Smiths History I cannot but take notice of an uncommon impartiality in a Lawyer of applauding the exact administration of justice by Governors who ruled only by the dictates of their own discretion. He seems to grant that justice may be don under a despotic government but I doubt whether it be possible that justice can be don where the administration of it is in the hands of Lawyers for tho' the Judgement given may be just it is allwise at-

tended with injustice in the expense and delay which attends it.

The Governors of New York took on them the power of granting divorces which has been in disuse at least ever since the Revolution neither is there any court in this province that can give this remedy tho' in the neighboring Colonies a divorce is more easily obtained than perhaps in any other Christian Country Query whether this may not be for the advantage of a new country which wants people It is certain that the natural increase of People in New England has been very great perhaps more than in any other of the English Colonies

Now I have taken notice of what has occur'd to my memory and which I think deserves your notice to the time that the States of Holland renounced all claim to this Country If I continue at leisure and in health you may expect to have more on the same subject from,

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CADWALLADER COLDEN TO HIS SON.

DEAR SON,

There are only one or two things in Mr Smiths History before the revolution, that I shall observe upon, more than what I have taken notice of in my preceeding of the 15th. The first is his character of Sr Edmund Andross which he gives in the following words "The "Historians of New England where he was afterwards "Governor *justly* transmit him to posterity under the "odious character of a sycophantic tool to the Duke, and "an arbitrary Tyrant over the people committed to his "care. He Knew no Law, but the Will of his Master, "and Kirk and Jeffries were not fitter instruments than "he to execute the despotic projects of James II"

The facts which Mr Smith tells us in support of this Character are, that the Duke of York recommended a Dutch clergyman Nicholas Rensalaer, to Sr Edmund for a living in one of the churches in New York or

Albany, *probably to serve the popish cause*. Is not this an *oblique, insidious hint*? Could K James do nothing without a view to serve popery? Sr Edmund Andross was a Protestant as many of the Dukes servants were might not they be desirous of a Dutch minister who had received ordination in the Church of England to preach to the Dutch in New York in their own language, where few of them understood English and might they not do this without any design to promote popery? Mr Smiths next proof of Sr Edmunds tyrannic disposition is that he summoned *Newenhytt*, the Dutch minister at Albany before the council treating him with contempt and harassing him with an expensive attendance because *Newenhytt* disputed Rensalaers right to administer the sacrament which Mr Smith tells us he did because Rensalaer had received Episcopal ordination and was not approved of by the classis of Amsterdam Mr Smith thinks this a small offence to deny that a person who has received Episcopal ordination can administer the Sacraments in an English Colony, and to set up a Foreign Jurisdiction in Ecclesiastic matters, within the Dominion of the crown of England. I say Mr Smith thinks this a small offence when he complains of an expensive attendance on this account. Whatever he may think as an Independent in Principle, he knows better as a Lawyer. As to my part, according to Mr Smiths account of this matter, I think Sr Edmund shewd great moderation, in referring it at last to the Dutch consistory at Albany. The third instance of Sr Edmund's Tyranny is that he called the Magistrates of Albany before him, because they had imprisoned Rensalaer for *dubious words* delivered in a sermon. Had Sr Edmund imprisoned any person for *dubious words*, I think it would have been a stronger proof of his Tyranny, than the punishing the magistrates under him for doing it. Mr Smith's last proof of Sr Edmunds Tyranny is, his seizing and imprisoning the Governor of New Jersey. Mr Smith does not tell us the reasons of this proceeding, and I know them not. [But Mr Smith mistakes when he

says that Sr Edmund was removed from the Government of New York. His having the Government of New England given him, while he was Governor of New York if it prove any thing as to this point, shews that his conduct was approved of. Nicholson was only Lieut. Governor of New York to act in Sr Edmunds absence from New York.] Mr Smith is sensible of the weakness of the proofs of Sr Edmund Andros' Tyrannical disposition from any thing in his administration in New York and therefor he tells us *it was through want of more opportunities to shew himself in his true light another oblique insidious hint* and positive assertion. Mr Smith lays the stress of his proofs of Sr Edmunds Tyrannic and Sycophantic disposition on the New England Historians. No doubt their being of the same principles with himself gives them the greater credit with him; but whether his own History will, with people of different principles add any thing to their opinion of the veracity and candour of independent Historians, must be left to the Judgement of the Readers. However this be, it is certain that at the time Sr Edmund Andross governed the people of New England, they were zealous republicans, bigotted independents, having banished all others of different religious principles from among them, and persecuted some of them to death. They were enthusiastic to a degree as appears from their public proceedings in witchcraft. To all which is to be added a stiff formal behavior different from the rest of mankind. Among such a people it must have been very difficult for a Gentleman of Sr Edmunds education, and of his principles, both as to religion and Politics, to behave so as to please them; for moderation often gives the greatest offence to bigots. If it be considered likewise, that as Sr Edmund was appointed their Governor, in consequence of their having had their charter vacated, in the court of chancery in England, he by his coming among them, at that time, must be received with great disgust. He must be a very extraordinary man indeed, who, in his circum-

stances, could at all times keep his temper among such a people. These things I only observe in general ; for I am, in no shape informed of the particulars of Sr Edmunds administration at Boston. The Revolution opened a wide door for the People of New England to make their complaints and to expose Sr Edmunds character in the strongest colours ; yet notwithstanding of this K William and his ministers, soon afterward, appointed Sr Edmund Andross Governor of Virginia a more lucrative government than New York, and Massachusetts Bay together. [Where he distinguished himself by putting the Secretaries Office and the Records in good order which before he came had been in the greatest confusion. This certainly shew'd that he had a regard to the properties of the people whom he governed to have them secured for he had no personal interest in it On the whole of this character of Sr Edmund Andross I shall leave it to the reflections of any impartial reader how far *the sacred laws of truth have been infringed neither by positive assertions oblique insidious hints willful suppressions or corrupt misrepresentations.*

When a man of candour finds a gentlemans character aspersed with such odious epithets as *Arbitrary Tyrant, Sycophantic tool &c*, without proof to support them, he cannot avoid to have his indignation raised, and thereby a quite contrary effect is produced from what the Historian designed. From any thing I can learn in Mr. Smiths History of Sr Edmunds Administration in New York (for I disregard *Positive Assertions*) Sr Edmund was a good Governor It is a public Injury to have a good Governor represented as the worst.

My Dear Son Take special care that you be never provoked to asperse any man's character and to represent any man as a bad man without the clearest evidence ; for it often happens that the Authors of Calumny only expose themselves with men of candour, and thereby discover the *badness of their own hearts* in a manner that could not otherwise be don. It is of use to reflect how often we ourselves have don amiss and that under some

circumstances good men have don what they ought not to have don. Remember what I now write is only for your own private use, and that at my age, I am unwilling to set dogs a barking. The noise of Discords is more than ever disagreeable to the ear of

Your Affectionate Father  
CADWALLADER COLDEN

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There is only one thing more to remark in the History of New York before the Revolution it is this Mr Smith takes notice of the advantageous turn in Coll Dongans administration in favour of the Liberties of the People by his calling an Assembly the Representatives of the People for enacting of Laws. How comes it that these laws are absolutely disregarded since the Revolution. It is certain that the acts of Parliament under James the Second remain'd as much in force as those under any of his predecessors or successors. How comes it that the Acts of Assembly under his governor are not of the same force as those under any other of the King's Governors I expected he would have answered this as a Lawyer for it is as material as many things he has particularly observed but he is absolutely silent on this head The only answer I can give to it is That when Laws are made inconsistent with the well being of any community no Authority can keep them in force. They become Felo's de se\* One of them I have been told gave a perpetual Revenue and that was thought sufficient to destroy all the rest If I mistake not such inconsistent with the good of the People are to be found among the English Statutes entirely in disuse tho' not repealed but I question that their Malignancy was des-

\* The Scotch Historians tell us that the heads of Clans had by Law the first night of their Tenants Bride and That this Law remains unrepealed because of its being so shameful in itself. Mr Smith tells us Coll Dongan was a good governor and had the Interest of the People at heart from whence came these bad Laws which are to be sunk in oblivion from the Representatives of the People.

tructive of all the other Statutes however beneficial they might be which were enacted in the same Reign.

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CADWALLADER COLDEN TO HIS SON.

Coldenham, Sept. 25, 1759.

DEAR SON,

You know that since my last to you on the subject of Mr Smiths history of New York my thoughts have been diverted to other matters. I shall now begin where I proposed in my last in making remarks on that part of it where I had many opportunities of being well informed.

I know not on what authority Mr Smith says that Mr Hunter when a boy was put apprentice to an Apothecary it may be on as slender authority as many other things he writes. When I knew Mr Hunter he was an exceedingly well shaped and well proportioned man tho' then advanced in years. In his younger years he had been of uncommon strength and activity. He understood the Belleslettres well and had an intimacy with the distinguished men of wit at that time in England among them Dr Arbuthnot Queen Annes favorite physician was his most intimate and useful friend tho' he and the doctor differed greatly in their political sentiments for Mr Hunter was a Stanch Whig. He wrote some pieces in the Tatlers. When he was appointed Governor of New York a very high compliment was made in one of the Tatlers to him under the name of *Eboracensis*. He wrote some elegant little pieces in poetry which never appeared in his name He had an exceeding pretty and entertaining manner of telling a Tale and was a most agreeable companion with his intimate friends. He was fond of men of Learning and encouraged them whenever he had opportunity. In short he was a Gentleman of extraordinary abilities both natural and acquired and had every qualification requisite in a Governor.

The first appearance Mr Hunter made in the world was at the Revolution as one of the gentlemen who served as a guard under the Bishop of London to the Princess Anne when she retired from her fathers court and he soon afterwards received a commission in King William's army. He continued in the army all King William's wars and Queen Annes till after the battle of Ramillies in which time he gave many proofs of high courage.

One winter when part of the Duke of Marlboroughs army was quartered in Holland Mr Hunter was Lt Colonel and Commandant of the troops quartered in one of their towns. The magistrates of this town had so far incurred the displeasure of the people of the town that nothing would satisfy them but the deposition of their magistrates by a new election. The magistrates found they could not by their interest prevent this and were become very uneasy and affrayd and therefor applied to Coll Hunter to hinder the assembling of the people for that purpose representing to him that they had allwise been zealous in the interest of the confederacy and that if new magistrates should be chosen they would be in an opposite interest as Coll Hunter knew that it was dangerous for the soldiery to interfere in the civil government of the Republic he wrote to the Duke of Marlborough for instructions. The Duke was cautious in his answer but by it the Colonel understood that the Duke would be well pleased to have the election prevented. Notwithstanding all the efforts of the Magistrates the towns people at last met in the great Church to proceed to a new election Coll Hunter called the Regiment together privately without beat of drum and marched them towards the great church and when he was near it ordered all the Drums to beat. The grana-diers march. This so frightened the people in the church that they rushed out by the doors and windows in the greatest fright and confusion. Many were bruised and lamed and an end thereby put to the attempt for a new election. Colonel Hunter marched the regiment past the church (without taking the least



notice of what passed) to the place where the Regiment usually performed their exercise. When after they had gone through their usual exercise he dismissed them.

At the battle of Ramillies Mr Hunter was one of the Duke of Marlboroughs Aid de Camps. In the time of the battle Mr Cadogan as from the Duke ordered Colonel Hunter to go to the General of the horse on the right and order him to carry all the horse from the right and join the horse on the left and immediately attack the French horse. This was such an extraordinary order that Mr Hunter thought proper to repeat it aloud in the hearing of several officers and asked if this was his Graces order to which Mr Cadogan answered yes. When Mr Hunter delivered these orders to the General of the horse on the left he seemed surprised and after a little hesitation swore he would leave one regiment which he did and then put the orders he had received in execution To this it is agreed by all both English and French that the Victory was principally owing But what is still more remarkable is that Mr Hunter believed as he told me that Mr Cadogan had given the orders as from the Duke without the Duke's privity and what makes this the more probable is that the Duke about that time was born down dismounted and for some time in great danger so that he was not in a capacity to give orders \*

This was such a signal piece of service in Mr Cadogan without takeing the least honour of it to himself that the Duke remained ever after very sensible of it. He therefore resolved to give Mr Cadogan the honour of takeing Antwerp the most considerable city in Flanders and for that purpose the Duke gave him the command of that part of the army which was to form the siege and Mr Hunter had the command of the horse which were to invest the place while the foot were on their march. When Mr Hunter came before the town some of the French officers came out to parley. While he was in

\* Mr Hunter this day tired out four horses in the execution of his duty.

discourse with them and persuading them to surrender as they could hope for no relief, a merchant of the town came behind Mr Hunter and pulled him by the sleeve. Mr Hunter turned and went aside with the merchant S<sup>r</sup> said the merchant it is to no purpose to talk with these men but I believe you may have better success with the Spanish Governor who commands in the citadel. Mr Hunter asked by what means he could come to treat with the Spanish Governor The merchant answered that the Spanish governor is a good natured man and entirely directed by his Secretary and added if you will give me leave I will bring the Secretary to you. The method of doing it was immediately settled. By the Secretary's means Mr Hunter had a private conference with the Spanish Governor and the terms agreed to viz: that the Spanish Governor should be continued Governor of Antwerp under K. Charles and that the Secretary should have one of the Spanish regiments then in garri-son. Mr Hunter informed the Duke, by express, of these terms and he readily confirmed them. The French having discovered that the Spanish Governor was resolved to admit the English troops into the citadel they likewise capitulated for the town before the army under Mr Cadogan could come up to form the siege. After everything had been settled Mr Hunter highly pleased with the service he had done went to wait on the Duke but was surprised to be received very coolly. S<sup>r</sup> said the Duke I think you might have trusted to me to publish the service you have done Mr Hunter protested that he had not either by word or writing mentioned anything of it to any person living and added as this affair could not be carried on without the privity of several of the officers who were along with him he could not answer for what they may have done But as the Duke hereby was disappointed in the honour he designed for his favorite Mr Cadogan he resented it on Mr Hunter Perhaps the Duke thought that Mr Hunter was too much in the secret of what gained the victory at Ramillies and was chagrined on that account Mr Hunter was highly dis-

gusted on such treatment after so signal service and thereupon left the army in the winter and went over to London.

Here you have some material anecdotes in history which I think are not to be found in any thing which is printed, but they may be depended upon for I had them from Mr Hunters mouth with every particular circumstance which attended them which would be too tedious to relate here and I cannot sufficiently depend on my memory

Mr Hunter had friends in Queen Annes court and by their interest he obtained the government of Virginia Mr Smith mistakes when he says that he was appointed L<sup>t</sup> Governor of Virginia Mr Hunter had the commission of Governor in Chief but it was by a compromise with the Earl of Orkney He was taken prisoner by a French squadron in his passage to Virginia and carried to France By his having lost the Duke of Marlboroughs favour he could not easily obtain an exchange. He had leave to return to England on his parole to solicit his exchange and at last was exchanged for the Bishop of Quebec after he had returned to Paris.

The Duke of Marlborough's influence over the Queen began about this time to lessen and Dr Arbuthnot prevailed with the Queen to name Mr Hunter for the government of Jamaica which happened to be vacant without consulting her Ministry who had designed that government for another but Mr Hunter being apprehensive that if he went to Jamaica against the inclinations of the ministry he would be made uneasy in his government and the government of New York becoming vacant at this time by the death of Lord Lovelace the Ministers were willing that he should have the Government of New York therefor Mr Hunter desired his friend to inform the Queen that he would rather have the government of New York than Jamaica and it was accordingly granted him.

As Mr Hunter was without doubt a man of the greatest abilities that ever governed New York I think

the relating these most remarkable incidents in his life previous to his having the government may serve to illustrate his character and this is a proper period to put an end to this letter before I begin an account of his government which if I continue in a humour to write, you may soon expect from,

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## OADWALLADER COLDEN TO HIS SON.

I intend now to write most remarkable parts or incidents in Mr Hunters administration which at this time occur to my memory. About the time Mr Hunter was appointed Governor of New York a great number of Germans were encouraged to come over to England The ministry thought it might be of public advantage to send over a number of them with Mr Hunter to be employed in makeing of Pitch and Tar. They were transported at the charge of the Government and furnished with large Iron Kettles and other necessaries for that purpose. Mr Hunter was to subsist them and to draw on the Treasury for all necessary expenses Mr Hunter after his arrival employed them accordingly and drew bills on the treasury for the expense. But the Queen having changed the ministry and the new ministry endeavoring to make every measure of their predecessors as far as they could unpopular this of importing and employing foreigners was exposed to censure and among other things that it contributed to put the *church in danger* which at that time was the popular cry. The Treasury refused to pay Mr Hunters bills and absolutely disapproved of the agreement made with the Germans for their settling the Colony of New York. This put Mr Hunter under great difficulties in the beginning of his administration as all his bills were protested and he became personally liable for the payment and discredited him with the people of the province The Germans looked to him only for their subsistence and for the performance of the other parts of

the agreement made with them. Their clamours were for some time abated by Mr Hunter's inlisting a considerable number of them into the forces that were raised on the expedition at that time intended agt Canada. After this enterprise ended unsuccessfully these Germans were disbanded and suffered to take their arms with them. Now they not only became more clamorous but became also mutinous.

Mr Hunter in his return from Albany where he met the Five nations of Indians to compose their minds after their disappointment by their failure of the enterprise against Canada in which they had been engaged stopt at Mr Livingstons house near to which these Germans were settled. The principal men among them came to him and demanded the performance of the promises which had been made them. Mr Hunter for some time reasoned the matter with them by informing them of the reason of their disappointment and how he had suffered more than they had with a promise of using his best endeavors to obtain them satisfaction but they continued turbulent and he was at the same time informed that a great number of the Germans were together arrived in an adjoining wood

With some difficulty he put them off for two days with a promise to think of some method to give them satisfaction and an answer on the morning of the third. Mr Hunter immediately sent an express to Albany which is forty miles distant from the place where he was with orders to the commanding officer to press sloops to carry down immediately the two independent companies which were posted there. They arrived in the night before the time Mr Hunter was to meet the Germans. The officer was ordered to land his men and keep them together under the bank of the river near the house without shewing themselves and on a signal to be given to march them up briskly to the house with drums beating. The principal men of the Germans came as appointed and at the same time the others shew'd themselves at a distance in a body armed. Mr Hunter did not now treat them

with all the complaisance he did before and one of them beginning to bluster with threatening language the signal was made for the soldiers to march. The Governor with his own hands seized the fellow who had threatened him and some other gentlemen who were with him seized the rest. Upon the appearance of the soldiers the Germans without doors immediately departed some of them discharging their pieces as they went off. The soldiers marched directly into the German village and disarmed them.

Mr Hunter has been much blamed in respect to the Germans as if he had broke the promise made them whereas the breach was by the Ministry and Mr Hunter was really a fellow sufferer with the Germans. But after this riotous behavior with design to force a compliance by seizing the Governor's person he thought it imprudent and unbecoming in him to give them encouragement.

Governor Burnet afterwards gave lands to many of the Germans. They in general have proved industrious useful members in the society and orderly. But when numbers of people think they have injustice done them and have not legal means within their reach for redress they commonly and naturally become mutinous and fly to force. This has been the true reason of the cruel wars with Indians lately and perhaps at all times.

Mr Smith makes such mention of Col Peter Schuyler on several occasions that had you known him as I did you would pay little regard to Mr Smiths characters whether in panegyric or Satyre. Col Schuyler was a plain country farmer who had on some occasions given proof of his courage. This with strong connexions between that family and some of the Mohawk tribe gave him a considerable interest with the Mohawks but as to the other tribes it was in no respect such as Mr Smith represents it. His whole exterior and deportment had much of the Indian mixed with the sullen Dutch manner. He was no way distinguished by abilities either natural or acquired and you may Judge of his sense of

honour by his being prevailed on by Mr Nicholson to join with him in the grossest imposition on the Queen and the British Nation by carrying to England five or six common Indians and making them personate one the Emperor of the Five Nations and the others the kings of each nation. He might have paid dear for such an attempt had it not been that the Ministry were at that time fond of amuseing the people with the eclat of such an appearance at court for they might easily have been informed if they knew it not that there is no such thing among the Five Nations as either emperor or king. The Five Nations so far resented it that they never afterwards would suffer one of these Indians to appear in their public councils. I saw several years after this one of these Indians standing at a distance among the women and young men while the Five Nations were at a public conference with the Governor of New York. As I have no thoughts of mentioning any thing particularly of the Indians durement Mr Hunters administration it may be proper to observe that he had so great a diffidence of all the people at Albany that at the public meetings with the Indians he had allwise a French woman standing by him who had married one of our Indians to inform him whether the interpreters had done their part truly between him and the Indians, notwithstanding that Col. Schuyler was present at the same time. This woman commonly called Madame Montour had a good education in Canada before she went among the Indians and was very usefull to Mr Hunter on many occasions for which reason she had a pension and was sometimes admitted to his table in her Indian dress. It is certain that the Indians have had at all times great diffidence in the Interpreters being allwise taken from among the traders who make a practice in deceiving the Indians.

Queen Anne changed her ministry soon after the time that Mr. Hunter arrived in his Government and he thereby lost the support of his best friends. Mr. Hunter was far from being a high churchman in principle Mr. Nicholson was a Zealous church man in the highest

sense of the word and at that time when *The Church* became the popular cry and was the political ingine of the ministerial faction, he was thought a proper person to be employed and received a commission to command the provincial forces which were to attack Canada by land while the Forces from England attacked it by way of St. Laurence river tho' he had nothing to recommend him for that service besides his zeal for the church for he was not bred a soldier nor had he seen any military service which deserved the name. He was subject to excessive fits of passion so far as to loose the use of his reason After he had been in one of these fits while he had the command of the army an Indian said to one of the officers The general is drunk no answered the officers he never drinks any strong liquor. The Indian replied I do not mean that he is drunk with rum He was born drunk.

The greatest number of the inhabitants of New-York were at that time of republican principles consisting of Dutch and English Independents. The assemblies are at all times fond of power and to have their Governor dependent on them tho' they cover this view with different pretences. At this time the Church clergy joined in the design to distress the Governor in hopes of having the good churchman Col Nicholson appointed governor. He had a crowd of clergymen allwise about him who were continually extolling his merits among the people and doing all in their power to lessen Mr Hunter. Mr Hunter had then a hard task. His friends in the ministry out of place his Bills to a great value protested. Mr Nicholson and the Clergy who ought to have assisted him endeavoring to undermine him and the assembly refusing to grant any support on the terms on which he could accept of it without breach of his instructions. Tho' he was at the same time so sensible of the difficulties he was under as to say to some of his friends that he expected to dye in a Jail he kept up his spirits never suffered the least dejection or diffidence of his affairs to appear in public. He kept up the dignity



of the Governor without lessening the expence which attended it notwithstanding of the difficulties he was under as to money. At this time while Mr. Hunter had the greatest reason to be shagreened and out of humour he diverted himself in composing a Farce with the assistance of Mr Morris which he called *Androborus* (the man eater) In this the general (Nicholson) the clergy and the assembly were so humorously exposed that the laugh was turned upon them in all companies and from this laughing humour the people began to be in good humour with their Governor and to despise the idol of the clergy.

A Violent party spirit had been kept up with great animosity between those who joined with Leisler at the Revolution and the others who opposed him. They who were in opposition to Leisler generally had the greatest influence in the assembly, and were in favour with all the succeeding Governors except the earl of Bellomont and Lt. Governor Nanfan. In the year 1713 Leislars party had a Majority in the Assembly. There were great complaints from numbers of people by their want of payment for public services The Leisler party thought they had been unjustly used by preceeding Assemblies and therefor they took this opportunity of doing themselves justice. When the assembly after having granted a revenue for five years resolved to pay all the Debts of the Government by striking Bills of Credit for that purpose to the value of 27680 pounds to be sunk in twenty one years by an Excise on strong liquors

In this Bill payment was made for services don in the year 1687 and for services don in every year from that time downward. Leislars son had 2025 pounds allowed him for his fathers services and expenses at the time of the revolution and most of his adherents had allowances made to them. Wm Smith put in a demand of 356 pounds 17s 10d $\frac{1}{2}$  for goods taken by force from Gabriel Minvielle by Leisler and the assembly gave six pence in full of all demands. From the proceedings at this time this conclusion I think may be fairly

drawn That either former assemblies had been unjust in refuseing or neglecting to pay just debts so long due or this assembly acted profusely in giveing away their constituent's money in favour to their friends. Or perhaps the former assemblies and this all of them acted partially and more from favour or resentment than from justice. Governor Hunter had all his demands paid In the act it was declared that as public notice had been made for every one to make his demands who had any claim on the Government that all the publick debts were paid and that no claim for any past service should after this be allowed. We shall soon see how well this was observed. But by a clause in the act the Bills were not to be issued until the act received the Royal approbation.

On the Queens death the assembly was dissolved and a new assembly called in which the superiority of the Leisler party was greater than in the former assembly and resolved to make up for the suffering of their party while the opposite faction had been so long in power. They therefore resolved in contradiction to the former act that many debts and services were left unpaid and rewarded by that act which were as justly due as those which were paid (Here they confirm the observation I before made) and passed a bill which was afterwards enacted for issuing bills to the value of 41517 ounces and a half of Spanish coined plate or of 16607 pounds Current money of New York at 8s p ounce as Spanish money at that time passed for the sinking and paying of which the Excise on strong Liquors was continued from 1734 to 1739 and a Duty was laid on wine and spirits for seventeen years from the time of passing the act.

All who had served under Leisler as soldiers or otherwise were paid for their services and many others for services since the year 1687 Each of the Council had 250 ounces each of the Assembly from 183 ounces to 275 The Governor had 2525 ounces 17 penny weight and a half for incidents and extraordinary disbursements They calculated to half a penny weight in the allowance to

the Governor to shew how carefull they had been not to allow him a half penny weight too much. But the leading men in the council and assembly besides the common allowance with some of their friends had considerable payments made them generally for services don without mentioning any particular service. Mr Livingston had 3710 ounces of plate. I believe he never was exceeded in soliciting for himself, by any man

The assembly was not willing to trust so useful an act to the Royal approbation as the former had been, and therefor it was enacted to take effect immediately. Indeed it never had the Royal approbation. In the preamble to the first act the assembly say that the debts of the Government were occasioned by misapplication of the funds and extravagant expending of the Revenue by former Governors. Their saying so would not be a sufficient proof to any man that knew them. I have known many things asserted in the public resolves which not one of the leading members would assert to be truth when singly by himself. There has been a mighty clamour at all times made in general terms of the misapplication of public money by Governors but when they were called upon to give particular instances I never heard of any except of £1500 pounds granted for fortifying the Narrows on the river below New York which Lord Cornbury applied to building a pleasure house on Nutten Island for himself and succeeding governors to retire to when he inclined to free himself from business. But I believe it may be safely asserted that all the extravagant expending of the Revenue by the Governors of New York put together does not equal the profusion of the public money by this assembly. Mr Smith passes slightly over this extraordinary act of his favorite part of our Constitution.

Mr Hunter was seized with a violent Rheumatism in the winter of the year 1718 which ended in an obstinate sciatica which made him lame. His Lady was heir to the estate of Sr Thomas Orby and he was desirous to secure that Estate for his children and he had hopes

of recovering what was due to him from the Treasury on account of the Germans. But as he foresaw that the leaving his Government if it was known some time before he did, might give occasion to intrigues he kept his design absolutely secret from his friends and domestics not a single man was informed of it till he communicated it to the assembly after they had gone through the business on which they were called. You may see by their address in Mr Smiths History, on that occasion, that no Governor could leave his Government with greater reputation than he did. I cannot forbear to tell you what he heard him say not many days before this address with indignation in his countenance. People think it a fine thing to be a governor. A governor by — a Tom Turdman's is a better office than to rake in the dunghill of these peoples vile affections. You know that the assemblies in North America consist generally of a low rank of people who have no generous principles. But it was much worse at that time Several of the assembly were dutch boors grossly ignorant and rude who could neither write or read nor speak English. This puts me in mind of what happened to me some years since I was at Newport in Rhode Island at the time of their anniversary election of their Magistrates. I was invited to a public entertainment usually given on that occasion. After dinner one of the new elected council while we sat at Table addressed himself to me saying What would you give in New York for the privilege we enjoy this day of electing all our officers from the Governor to the constable. I begged leave to put a question or two before I answered and then I asked him whether every man had an equal vote He answered yes every free man has an equal vote with the richest or best man in the colony. I next asked him whether the election is carried by majority of Votes which being answered in the affirmative I again asked him whether the greatest number in their colony were wise men or otherwise which last Question produced a general silence. When Mr Hunter came to his government he at first thought

that an American Assembly might be governed by reason, but experience taught him that it was a vain imagination. It may be a question whether mankind in general can be governed otherwise than by their affections. For that reason wise legislators found means to raise artificial affections to control the natural. But my dear son that you may always regulate your affections by reason is earnestly recommended to you by your affectionate Father

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CADWALLADER GOLDEN TO HIS SON.

I have for some time been diverted from my memoirs of the Government of New York I now return to them Col Peter Schuyler as president of the council succeeded in the administration on General Hunters going to England Col. Schuyler was so weak a man that Adolph Phillipse perswaded him to lodge the Kings seal in his hands that he might thereby be able to prevent any use to be made of it without his consent. By the Kings instructions the President of the Council was to receive one half of the Sallary and all the perquisites. A dispute arose whether the word half did not extend to all the perquisites as well as to the Sallary In cases where the perquisites were paid into the Secretarys office one half was retained for the use of the Governor but when Col Schuyler received the perquisites he retained the whole for his own use

After Mr Burnet was appointed Governor he was informed of this dispute relating to the perquisites and mentioned it to one of the Clerks of the board of Trade and Plantations who was to copy the Instructions for Mr Burnet. On looking over the Instruction he told Mr Burnet that it was easy to amend it and without hesitation he wrote in the instructions to Mr Burnet One half

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*A portion of the original MS. is missing.*

and the practice since that time has justified this last opinion. The very persons who at that time insisted on the illegality of continuing an assembly after the determination of a Governors commission who called them advised the continuance of the assembly in the same circumstances when they could not be assured of having persons in the same interests re-elected. The argument which prevailed with Mr. Burnet to continue the assembly was this. He was assured that the members of that assembly would readily grant the support of Government for five years, and tho' the gentlemen who wanted a new assembly and expected to be chosen gave the like assurances he thought the first to be more depended on than the others because tho' the principal persons might with some confidence expect to be elected for the city they could not be assured of the generality of the country members or that they would have a sufficient interest over them for it was certain that some of the principal men in the opposite interest would be re-elected

Mr Smith mistakes when he says that Col Schuyler and Mr Phillipse were removed from the council board because they had opposed in council the continuance of the assembly This would have been too bold a

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*A portion of the original MS. is missing.*

misrepresentation of the case between Mr Rou and the French congregation. On reading Mr Smiths account of this affair one would be apt to imagine that Mr Burnet had set up a high commission court in ecclesiastic matters to the Jurisdiction of which Mr Smith's father had pleaded

Mr Rou's case was this. When he came over to New-York on the invitation of the French Protestants there, he and some gentlemen trustees for the French congregation entered into a mutual contract in writing he to perform the duties of pastor of the french protestant congregation of New York according to the rules which

had been used by the french protestants in france and they in consideration of his services engaged yearly to pay him a certain sum of money Of this contract there was only one authentic copy which was in the hands of the trustees. Mr Rou had only a copy of it without any test of its being authentic On some disputes which happened between Mr Rou and some of his congregation the trustees refused to pay him his sallary Mr Rou insisted that he had don his duty and performed his part of the contract but as he had no legal evidence of the contract he was advised to sue in chancery in order to oblige the trustees to produce the contract. Accordingly Mr Rou filed a Bill in chancery wherein he demanded of the trustees whether they or any of them knew of a contract in writing entered into between them and Mr Rou and if they did to discover the contents of that contract. The trustees answered on oath that we do not know of any such contract. It is to be observed that since the making of that contract some of the trustees had been changed. Mr Rou's counsel objected to the sufficiency of the answer alledging that they ought to answer that we nor no one of us knew for though all of them may not know one or more of them did. I was at that time a master in chancery and it was referred to me to judge whether the answer was sufficient. After a tedious hearing of counsel on both sides I said that on supposition that some of the Defendants were ignorant of the contract while others knew of it, I could not conceive how they who did know could with a safe conscience join in the oath that they (meaning all of them) did not know because in this case they must swear to the other's ignorance which I thought a man who had a proper regard to an oath could not do and all the defendants were men of good reputation. Upon which Mr Alexander who was counsel for Mr Rou replied. I do not wonder S<sup>r</sup> that you should be of this opinion but pulling out a paper from his pocket he said, here S<sup>r</sup> is a copy of the contract in the hand writing of one of these gentlemen tho' we cannot prove it. On which I declared the an-

swer insufficient and ordered that they should answer more particularly as demanded in the Bill. On which they answered True it is we do not know but such of us (naming the names) do know and the contents of the contract are as follows

This made so strong an impression on me at the time that I could never forget it to see men who had left their native country and their all from a conscientious scrupulousness in religious matters prevaricating in this manner on solemn oath in a court of justice. The truth of the fact I tell you will fully appear from the Bill and answers which I suppose still remain among the chancery papers

After an authentic copy of the Contract was obtained Mr Rou was left in quiet possession of his pulpit and had his Sallary paid him but as Mr Smith observes some of the most considerable persons of his congregation left their church. We may observe here likewise that sometimes private resentment is even of greater force than that religious zeal which makes us leave our country and all that is dear to us.

But before I leave this subject I cannot with Justice to Mr Rou avoid taking notice of the Character Mr Smith gives him. Mr Rou he says was a man of learning but proud pleasurable and passionate he sets Mr. Moulinaar's character in contrast viz that he was of pacific spirit, dull parts and unblameable life and conversation Were it not for the contrast it may be difficult to say what Mr Smith means by a pleasurable man being a phrase seldom or never used in the English language but as it is set in contrast here with unblameable life and conversation the reader may naturally think that it means a man of pleasure. I knew Mr Rou and I never heard him reproached with any immorality. He was bookish and as such men frequently are, peevish and had nothing of the courtly polite Frenchman. The game of Chess was the only amusement he took and perhaps was too fond of it. It was said that he wrote a treatise on that game.



From what has been said it will easily appear how proper and discreet like a Lawyer the defence of the trustees was in setting up the Jurisdiction of the consistory, a Colloque and Synod of the French protestants in France who at that time had no existence in opposition to the Kings Courts of Justice & who had they existed could have given Mr Rou no relief. Least in future ages disputes might arise about the place of the birth of this distinguished orator as formerly happened as to the birth place of Homer Mr Smith tells us in a note where his birth place is

As Mr Burnets refusing to qualify Mr DeLancey after he had been elected a member for the city of New York gave the first rise to the violent party struggles which continued many years afterwards I think it may be usefull to you to relate that affair more particularly than Mr Smith has don

At that time the members of Assembly were allwise qualified by the State oaths being administered to them by the Governor but lately they have been qualified by a *Dedimus potestatem* usually given to the Judges of the supreme court or any one of them for that purpose Mr DeLancey being chosen in the place of one of the members for the city of New York who was dead he was sent by the house to the Governor to be qualified as usual. Mr Burnet by Mr Morris's advice (I make no doubt) refused to qualify him as being a foreigner and not naturalized. This gave a very general dissatisfaction not only on Mr. DeLanceys private account who was much esteemed in the place but on account of the great numbers who were in the like circumstances for the greatest number of the inhabitants were foreigners Dutch and French or the Descendants of such and this objection they were affray'd might be extended to their real estates and to their inheritances. I had been for some time from home and did not return till the evening after this had happened. The next morning Mr Livingstone the Speaker came to my house and began to talk with great concern on what had happened the day before. I was absolutely

ignorant of it so far that I did not understand him till he told me the particulars. In the afternoon I went to wait on Mr Burnet while I was with him Col Hicks who was much in the governors interest and a leading member in the house came there and desired to speak with me in private. He told me that the house was in a ferment that they looked upon the matter as a breach of their principal privilege of being Judges of the qualification of their own members and that the Governors friends would oppose him in it. I informed Mr Burnet of what Col. Hicks had told me and likewise the conversation I had with the Speaker in the morning. He was staggered and immediately sat down to write a message to the Assembly in which he yielded by halves and with apparent reluctance. On reading what he had wrote I told him I was convinced he must either yield or break with the assembly and that if he did break it would be on a very unpopular subject. The privilege of the house and on a subject in which great numbers would think themselves and their families greatly interested. The Governor then wrote a message wherein he said that he had thought it proper to inform the house of the objection made to Mr DeLanceys qualification but at the same time he left it intirely to the judgment of the house. Mr Burnet was certainly in the wrong in entering on a matter of such consequence without being assured that his friends would support him in it. Perhaps it was thought that the objection would be a perpetual check on Mr DeLanceys conduct but it had a contrary effect. Mr DeLancey was a man of strong and lasting resentment and his family seem to have taken a resolution from that time to have Mr Morris removed from the office of Chief Justice if by any means it could be don.

I come now to the remarkable resolves of the Assembly in the year 1727 against the Court of Chancery which Mr Smith sets down at large in his history. It may be safely affirmed that every fact set forth in the preamble to the resolves is false or greatly exaggerated except the exorbitant fees and charges of the Lawyers

attending the court without which Mr Smith tells us the present Lawyers despise the practice. It is certain however that the unreasonable length of the Bills and answers and dilatory pleas put in by them were real grievances and which it was not in the power of the Chancellor to prevent but without these in Mr Smiths Judgement the business of the Chancery must rest and the people of this province be deprived of relief in Equity.

Strangers to the men who compose our Assemblies to their manner of proceeding, and to what has passed in that house may be apt to give the greatest credit to what they solemnly assert whereas it really deserves less than that of private persons. No one man in the house thinks himself answerable for what passes there and as a body they think themselves not accountable to any other authority and for that reason often act very unaccountably. It has been too frequent that angry party men by their influence in the house take this method to spread Slander and calumny with impunity. I shall therefor relate the circumstances which attended these famous resolves.

Mr Philipse Speaker of the Assembly at the time these resolves were made had been several years before that time in partnership with one Codrington in some mercantile business. At the conclusion of their partnership Mr Philipse gave Mr Codrington his bond for a considerable sum of money if I remember right £1500. Codrington dyed Mr Philipse neglected to pay either principal or interest and at last refused payment. Codringtones widow sued the bond at common law in the supreme court of New York Mr Philipse pleaded that the bond was paid before it was given. The oddness of the plea became the discourse at the coffee house one day while I was there I asked Mr Philipse's attorney who happened to be then present what he could mean by such a plea. He answered it was none of his he knew better but that he was obliged to put it in by his client. The plea was over ruled by the

court and Judgement given against Mr Philipse. Mr Philipse made this plea with a resolution to remove the suit into chancery. You know the Governor is chancellor in this province. Mr Philipse some time before this suit was brought but while he expected it paid unusual court to Mr Burnet his visits were remarkably frequent and as he was speaker of the assembly Mr Burnet received him graciously. Mr Philipse in his bill set forth that at the time he gave this bond Mr Codrington was indebted to him by accounts in a much larger sum. Codrington was many years before this dead and perhaps none living who were privy to the transactions between them. All the evidence which Mr Philipse could produce was not sufficient to convince Mr Burnet that a man of Mr Philipse's sense and experience in business would give his bond for 1500 pounds to a man who owed him a greater sum at the same time and therefor Mr Burnet dismissed his Bill and left the matter to the common law as it stood before. This happened a small time before these resolves. The method Mr Philipse took to obtain them is no less remarkable.

The Assembly having finished their business it was generally known that the Governor intended to put an end to the session the next day at 12 of the clock by giving his assent to the Bills then ready in the usual form at which time the Governor calls the assembly to be present as witnesses to his assent. The assembly had adjourned to the usual time before noon but as the business was over the members on such occasions did not meet till the time they expected to be called up. Mr Philipse having prepared his friends they with some others met at eleven and immediately ordered the committee of Grievances to sit. They put Coll Hicks who was the Governor's friend into the chair and having their resolves ready drawn in writing they immediately voted them without allowing of any argument and the Speaker taking the chair immediately after they were reported and confirmed but the clerk had

not time to enter them in the minutes before they were called to attend the Governor and he was left in the house to complete them. Few of the Governors friends were present and they so much surprised that they knew not how to act. Mr Burnet gave his assent to the Bills and while the acts were as usual published he was informed of what had passed by one of the members and therefor instead of prorogueing the assembly as he intended he dissolved them with some marks of resentment. A feeble resentment which only served to increase the popularity of the opposite party and to increase their strength in the next election.

I have already extended this letter beyond the length I had confined myself to in writing to you on this subject and therefor shall delay what I have farther to tell you of Mr Burnets administration to my next.

Yours.

Perhaps you'll think that I write with resentment to Mr Smith the Historian. He is so assuming in his manner especially in giving characters of the most distinguished persons often unfair allwise partial whether his characters be favourable or otherwise biassed by his connections either as to family or religious sect, that some resentment is unavoidable. It is not fit that Mr Smith's history should pass for a chronicle of the Province of New York

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CADWALLADER COLDEN TO HIS SON.

Coldenham, Decr. 31st 1759.

DEAR SON

Mr Burnet after he had been some years at New York applied himself to the study of Scripture prophecy on Principles which he told me he had received from S<sup>r</sup> Isaac Newton The prophets he said have a language peculiar to themselves and that if their language be un-

derstood the prophecy becomes as easy to be understood as other writings. He had a very extraordinary memory and he had read the prophecies so often over that he could at once point out the chapter and verse in which any subject was treated or any prophetic word was to be found. For some time this study so intirely engrossed his thoughts that upon all occasions he introduced it into discourse even so far that his conversation became disagreeable to his best friends. He was zealous to convince them for he said the evidence of Christianity stands on Miracles and the Prophecies are perpetual miracles renewed every time any prophecy is accomplished. The Evidence of the Miracles done by Christ grows daily weaker by the length of time and therefor there is a necessity of a perpetual renewal of miracles. But notwithstanding of all the pains he was at and his publishing his thoughts in print I know not that he at any time made one convert, tho' perhaps he has wrote better on that subject than any else has don. Studious men are apt to fall into some kind of Enthusiasm or other which surprises the rest of mankind to see men fall into who on all other occasions discover an uncommon force of reason and yet on some particular subjects to be incorrigibly whimsical and unreasonable. The great S<sup>r</sup> Isaac Newton in some instances is thought to have fallen into this misfortune. How comes this about. Is it not that they become somehow fond of some peculiar notions and by continually insisting on them and presenting them to their imaginations they strike their minds with as much force as realities. A man that often repeats a lie of his own may at least believe it to be true. It is thought several instances can be given to prove that this really happens

The Mr Burnet was a zealous Christian he was not in all points orthodox. If I mistake not he was Arian. I heard him tell that after his fathers death he found among his papers a letter from Archbishop Tillotson in which the Archbishop wished the church could get fairly rid of that Athanasian creed. He used often

to say that many Orthodox are knaves but he never knew a heretick that was not an honest man.

Mr Smith is injurious to Mr Burnet's memory where he insinuates that some thought his removal necessary for the public tranquility. There was not the least ground for this insinuation. The generality of the people were not so insensible of Mr Burnets Merit tho' a faction had the artifice to make some noise at the close of the last session of Assembly in the manner before mentioned. Mr Smith has given a pretty full account, how much Mr Burnet studied the true interest of the province more than any before him or any since. No instance can be given of oppression in any shape. No man was more free from Avarice. He was generous to a degree so far that if he erred it was not in takeing sufficient care of his private interest. He expended yearly considerable sums in private charitie, which he managed so that none knew of them more than what could not be avoided and thereby in some degree doubled the charitie to many who received it.

That which excited the malice of a faction was merely the effect of his great merit. The stopping the trade which a few merchants had with Canada carried on to the prejudice of Great Britain and of all the American colonies and his giveing relief in Chancery against the frauds of artful and rich men. Neither the ministry nor the people of Great Britain at that time saw the consequences of the Indian trade and of the ascendancy over the Indians which was thereby to be gained tho had they considered that matter with the same attention which Mr Burnet did it is probable the present war might have been prevented. No discovery of any kind can be properly valued by those who do not understand it and for that reason new discoveries are never at first valued as they are at some distance of time afterwards, because few take the trouble necessary to understand them till they have obtained a reputation by being espoused by men of known and distinguished knowledge. There is something in the English Constitution which renders their

ministry short sighted They are so much employed in expedients for the present time that they are unwilling to think of things at a distance.

The true reason of Mr Burnets removal I had from Coll Montgomerie his Successor. There had been a remarkable misunderstanding between the present King when Prince of Wales and his father King George the 1st dureing which all the Princes' servants who had offices under the King were removed from their offices. Coll Montgomerie was one of these When the Prince became King the offices under him as Prince of Wales of course fell and the officers were to be otherwise provided and the King likewise thought it proper to recompense those servants more particularly who had suffered by adhering to him. For these reasons Coll Montgomerie had his choice of several offices both at home and abroad. He made choice of the Government of New York as the most lucrative and attended with the least trouble. New York being a more healthy climate made him prefer it to Jamaica which was likewise in his option.

When Mr Burnet heard that he was to be removed he could not avoid entertaining some resentment He knew that he had executed his office faithfully and with a view to serve his King and Country. The present royal family had acknowledged some obligations to Bishop Burnet the Governors father on his being the first person that had named the house of Hanover to King William as the next Protestant family in the succession to the crown of Great Britain and K. William had given the Bishop leave to make the first mention of it to that family some years before the act of Succession was passed The princess Sophia in acknowledgement of this had sent a present of a handsom silver gilt tea Equipage to the Bishop which Gov<sup>r</sup> Burnet had with him at New York No man in Great Britain had been more zealous for the succession in the house of Hanover than the Bishop had been. Of which the Royal family had often declared themselves sensible. It is no wonder then that Mr Burnet entertained some resentment on being turned



out to make room for one who had only private merit in personal services to give him a preference.

Mr Burnets friends at court obtained an audience of the Queen in hopes by her influence to divert the King from removing of Mr. Burnet. The Queen answered them with courtly politeness that the King was very sensible of Mr Burnets merit that the people of New England were a troublesome people and therefor the King thought it necessary to appoint a Gentleman of Mr Burnets abilities governor of that colony of Massachusetts Bay. She knew she said that the government of Massachusetts bay is not so lucrative as New York but that the Kings service required Mr Burnets accepting of it at present and that afterwards any loss he had thereby in his private fortune should be made up. Notwithstanding of this his friends were apprehensive that he would refuse to accept of that Government and they were therefor very earnest with him to accept of it.

The people of the Massachusetts government had for sometime past continually quarelled with their Governors and had refused to give them a reasonable support. One of their Governors deserted his government and no gentleman of any character was willing to accept of it. When Mr Burnet arrived in his government he was received with all the respect that they could show but he carried with him a royal instruction which he foresaw would be the source of dispute viz That he should insist on their assembly's granting a thousand pounds sterling yearly sallary to the Governor for an indetermined time Mr Burnet advised with his friends in New York before he went to his Government as to the part he was to act, in inforceing this instruction. He then resolved to take care that it might not become a personal quarrel between him and the people but he did not observe this rule afterwards Whether it was by any advice which he received there or from some thing in his natural temper I know not for he loved an argument The Assembly in their reasoning did not think it proper to declare the true republican principles which swayed them and it was not

difficult for Mr Burnet to shew the fallacy and weakness of the arguments which they used. He charged them with disingenuity which he made appear from their manner of arguing. This produced angry replies and the dispute became personal. The thing which by all means he was to avoid because it served their purposes to make it such. These disputes continued all the time of his administration and made it vexatious and disagreeable to himself. Before they were ended he died of a fever without receiving any salary.

Similar instructions have been since that time given to the Governors of New York. It has seemed very odd to me that the ministry has insisted in giving such instructions without having it in their power to enforce them and putting their Governors under the necessity of either breaking the instruction or of starveing at least of loosing the purpose for which they desire their Governments. It is easy to guess which of these two all of them have chosen. Nothing has so much lessened the Kings authority in the colonies as this impolitic step has don.

Now you have everything relating to Mr Burnet which I think may be of use to you to know so far as has occurred to the memory of

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CADWALLADER COLDEN TO HIS SON.

Coldenham Jan<sup>y</sup> 31st 1760

Mr Burnet had been acquainted with Col Montgomerie in England and from the confidence he had in their former friendship he continued in the Governors house with a resolution to write Col Montgomerie to lodge with him till he left New York but some of the party who were in opposition to Mr Burnet went on board the ship before Col Montgomerie came on shoar told him of Mr Burnets design'd invitation and dissuaded him from it so effectually that he afterwards absolutely refused Mr Burnets invitation and went into private

lodgings on which Mr Burnet removed from the Governors house before night and carried away every thing of his next day notwithstanding of which Col. Montgomerie did not go into the governors house till after Mr Burnet left New York.

As we were walking in formality to publish Col Montgomerie's commission I overheard him say to Mr Clark that he would absolutely trust to his advice and he kept his promise to his death. Mr Clark by his having been a considerable time Secretary of the Province had experience in the public affairs and understood men and business Mr Clark was likewise Deputy to Mr Horace Walpole as auditor of the Revenue in America and probably it was by Mr Walpole's advice that Coll Montgomerie placed his confidence in Mr Clark.

Col Montgomerie did not want natural abilities nor any part of the education proper for a gentleman but he had given himself up to his pleasures especially to his bottle and had an aversion to business. He was likewise the most diffident of himself of any man I ever knew. He was much in debt and wanted to recover his fortune by the profits of his government with as little trouble to himself as possible. Mr Clark served him well for these purposes

Mr DeLancey was at the head of the party in the assembly which had been in opposition to Mr Burnet and which had now the ascendant in that house. Mr DeLancey was to be gratified in his resentment against Chief Justice Morris and the Gov<sup>r</sup> was to use his interest to have the acts repealed which had been passed in Governor Burnets Administration prohibiting the direct trade to Canada with Indian goods In consideration of these the Governor had his Sallary secured for five years and all the perquisites which any Governor before him ever had. Both sides punctually performed their engagements to each other. But it was surprising to me how easily the Board of Trade and Plantations were induced to recommend to the King the repealing of the laws in favor of the direct trade with the Indians

and which prohibited the furnishing the French with goods to enable them to carry on that trade to the prejudice to great Britain and of the colonies after all that had been laid before them by Mr Burnet on that head. They probably thought that the people of New York were only interested in the Indian trade and that it did not concern Gr. Britain. They seem to have had nothing in view at that time but to serve the private purposes of a Governor. Mr DeLancey had the advantages of his own private trade in view which were very considerable. But as the resentment against Chief Justice Morris was productive afterwards of violent party struggles it may be of use to know all the circumstances attending it.

The fixing of the Sallaries of the officers of Government had been for some time a matter of dispute between the Governors and Assembly. The assembly thought that since they gave the money they have likewise the right of applying it to the several uses of Government and of determining what the officers sallaries shall be. The Governors insisted that it is the right of the crown to determine the rewards due to the servants of the crown. The matter was compromised in the administrations of Brigadier Hunter and Mr Burnet. The Assembly yielded to leave out of the support bill the specifying the particular Sallaries to be paid to each officer on the Governors giving his word of honor that he would not grant warrants for a larger sum than what was specified in a list privately presented to the Governor by the Assembly before they passed the support bill. After the Assembly at this time had agreed to grant the usual support for five years in making up the list of the officers Sallaries to be presented to the Governor they lessened Mr Morris's salary as Chief Justice by fifty pounds a year. Mr Morris was a member. He moved to know whether he had been guilty of any neglect or misdemeanor in his office that made them punish him by lessening his Sallary They declared that it was not for that reason but from the poverty of the

Colony and if I mistake not he obtained an entry to be made on their minutes accordingly Tho Mr Morris and his friends used a good deal of argument with the Governor to prevent his agreeing to the lessening of the Sallary and he did do it. It was certainly allowing private persons to have too great influence on the courts of Justice since it was only don to gratify private resentment. I remember that I used this argument with Col Montgomerie on this occasion in Council. When an assembly act merely from humor they act like children and like children the more they are humored the more humorsome they grow This was verified in subsequent times but at that time Col Montgomerie thought it best to keep them in good humour who had the purse in their hands However he was desirous if possible to prevent all dispute and therefore desired Mr Alexander and myself to propose to Mr Morris from him that if Mr Morris would forbear makeing any dispute with him upon the head he would join his interest to any representation which Mr Morris should make to the Kings ministers in order to have an instruction not to suffer the lessening of the Chief Justices sallary by any vote of the Assembly or something to this purpose. We did so but could not prevail on Mr Morris

Mr Morris's eldest son was of the council. When the Warrant for his father's Sallary was proposed with the abatement of £50 he opposed the change from the usual Sallary and in a premeditated speech, and among other things said that the doing it was illegal, unwarrantable and arbitrary. These were hard words which shocked the Governor however he had till next council day to explain himself when still insisting on what he had said before, he was suspended with the consent of the Council from his seat at the board till the Kings pleasure should be known for useing such harsh expressions against what was done with the consent of every branch of the Legislature of the province. I was not in Council at the time being in the Country. When I came to town Col Montgomerie shewed me copies of all that passed and

declared Mr Morris had forced him to do a thing much against his inclination. On a hearing before the board of trade the suspension was confirmed and Mr Morris the younger removed from the Council.

Col Montgomeries view was to live as much as possible at ease and at the same time retrieve his fortune and for that purpose his administration was intirely directed to the humours of those men who at that time had the assembly under their influence except where he apprehended any measure might lead him into public dispute. Had he lived these condescensions to the humours of others would have in time intirely defeated his other view of living at ease for after these Gentlemen had got all the offices in the hands of their friends and dependants he became sensible of their neglect before he died. His yielding to lessen the Chief Justice's Sallary merely to gratify a private resentment gave the assembly such a sense of their influence on a Governor that all his successors found the effects of it. For afterwards assemblies did not so much as ask the Governors consent to the officers sallaries but put them in their bill which he must accept in the manner they offered it or loose his own Sallary and in this case they suffer no amendment to the bill by the Council no not so much as a conference on the subject. Hereby the Assembly claim the sole power of rewarding all the officers of Government and of Judging of the reward due for their Services

Mr Smith has in his history given a good general account of the agreement for a partition line between New York and Connecticut. I think it may be of use to you to know some particulars which probably Mr Smith did not know. In 1725 Commissioners were appointed in New York of whom I was one to meet commissioners from Connecticut in order to run out and settle the boundaries pursuant to the agreement between the two colonies in 1683 as recited in Mr Smiths History. The first thing we entered upon was the method to be pursued in the Survey for running the lines. The difficulty chiefly consisted how to run a line parallel to Hudson's

River everywnere twenty miles distant from it which will be found difficult to do if it be not impracticable where a river has many turnings and windings so as precisely to comply with the words of the agreement. The Commissioners from Connecticut took every method to perplex the matter and to evade the agreeing to any method of Survey. After many fruitless meetings and some adjournments to different times and places we gave them notice that we intended to run the lines ex parte and desired them to be present at our work and witnesses of what we did. As I was sensible that everything don in this case ex parte would be subject to endless disputes and thereby the settling of the frontiers would be obstructed When we had met to take a parting glass I took one of their commissioners aside. I told him that I suspected they had something at heart which they were affrayed to discover. I promised that if he would be free with me I would make no bad use of what he should tell me, and perhaps we might fall on some method to make them easy. He told me their whole concern was for the people of Ridgefield and that if we could make them easy as to that part of the line adjoining to Ridgefield we should have no dispute as to any other part. After informing my fellow commissioners of what had passed and some discourse among ourselves we resolved to renew the conferences. After which the method for running the partition lines was agreed to without much dispute. From this you will know the reason of the lines being run in the manner they are. By the expense of these frequent meetings and adjournments the money given by the Assembly for running the lines was expended before they could be actually marked out upon the land or the survey be made for that purpose

In the year 1730 Several of the Inhabitants of Ridgetfield made proposals to some gentlemen in New York for running the Partition lines on private expense on condition of having a quantity certain of the Equivalent lands from Connecticut granted to them An agreement was accordingly made between the Governor and Council

of New York on one part and several persons of New York and Connecticut on the other part who were to be at the charge of running the lines on condition of having 50,000 acres of the equivalent lands granted to them on the usual quitrents and fees for obtaining the patent.

The Gentlemen in New York who had the principal management of this affair had been Mr Burnets friends in whom he confided in the time of his administration Mr Harison had been of their number but after he knew that Mr Burnet was to be removed he left Mr Burnet and joined with those who had been in opposition to him in such manner that Mr Burnet said openly that Mr Harisons ungratitude to him would not recommend him to his successor for he had received many favours from Mr. Burnet. For this reason Mr Harison was not invited to join in takeing a share of the Patent He complained to the Governor of this neglect and at the Governors desire he had the offer of a small share which he accepted of with seeming thankful acknowledgement but at the same time he was highly disgusted by his discovery that he was despised both by the Gentlemen whose friendship he had forfeited and by the others whose friendship he had courted. He had some how found access by letter to the Duke of Chandos. He represented these Lands to the Duke not only as of great value by the extraordinary goodness of the soil but by their containing valuable mines and by their being convenient for carrying on an extensive fur trade and thereby persuaded the Duke to solicit a grant of them from the King for himself and some other Gentlemen in England the names of the other gentlemen being only used in trust for themselves and the Duke whose name did not appear in the grant In this the Duke was exceedingly deceived, because there were no mines in that land and no fur trade could be carried on from that part of the country and the soil of the lands was nothing better than the generality of the country. The grantees in New York could not obtain their patent till they had com-



pleted the partition lines between the Colonies of New York and Connecticut and near twelve months passed before this could be done. In the mean time the grant in England passed and the Gentlemen in New York were at all the expense of running the lines and of obtaining a patent without knowing that any application had been made in England for a grant of the same lands.

As this affair had a great influence on the publick transactions during the administration of the succeeding governor it is proper that you should know this affair more particularly than as it is told by Mr Smith in his history.

I have only one thing more to mention which may serve for a little amusement. Col. Montgomerie designed to have been in New York in the fall of the year but the ships were driven off by hard gales of Wind to Barbadoes where they continued till next Spring. I heard Col Montgomerie tell that while he was at Barbadoes a very old man died who on his deathbed confessed that he was the person who cut off King Charles' head. That as soon as he had performed the execution he was carried on board a ship bound to Barbadoes where he had lived in good reputation to the time of his death.

Now you have all that you can learn of Col Montgomerie's administration from

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CADWALLADER COLDEN TO HIS SON.

Coldenham Feb<sup>y</sup> 21 1760

My Dear Son

In my last I had finished all that I intended to write of the History of New York, within the period to which Mr Smith confines his History: and I should have concluded with what I have already wrote had not Mr Smith, at the conclusion of his history made a large stride to reach a matter of posterior date relating to one Laughlin Campbell. Mr Smith has so grossly misrep-

resented this whole affair, by giving a false account of every material circumstance, and what he has published is so egregious a calumny of Mr Clark Lt Govr of New York and of other persons interested in the grant of lands in New York, that I cannot pass it over, without giving you the true account of that affair; in doing of which I have had my memory much assisted by the papers relating to it which remain on the Council file.

After great numbers of families had transported themselves from the North of Ireland to Pennsylvania, Laughlin Campbel in the year 1737 went over from the island of Ila in Scotland to Pennsylvania to learn on what [terms] he could procure lands there, for a number of families which he proposed to bring over to settle there. While he was at Philadelphia he was informed of a proclamation published by Col Cosby the late Governor of New York promising 100,000 acres of land free of all charges excepting the survey and Quitrents, to be granted in quantities in proportion to the numbers of persons who should import themselves into this province in order to settle and improve lands. Mr Campbell came to New York from Philadelphia to inform himself of the truth of this. But before I proceed farther it is necessary to inform you that Col Cosby before his death had found means to have a grant of this land for himself in the name of other persons in trust for him. However iniquitously this may have been don it had put it out of Mr Clarks power to grant that land and Mr Campbell in a conference with Gov Clark and the Surveyor Genl of Lands confessed that he could not obtain lands in Pennsylvania otherwise than at the rate of £15 for each hundred acres, besides the quitrent and charges of survey. He was then informed that the 100,000 acres was already granted, but that he could have other lands on much easier terms than he can in Pennsylvania or anywhere else and they undertook that he should have lands granted in proportion to the number of families imported at the rate of £3 sterling for every hundred acres free of the charge of Indian purchase survey and other ex-

pense of any kind except the Quitrent with which he declared himself well contented. However before he returned to Scotland he went to Maryland to learn on what terms he could obtain lands there.

The next year Mr Campbell brought over 30 families and he was offered a grant of 19,000 acres for himself free of all charges except the survey being all the lands which remained of those which had been purchased which he neglected to take for reasons which you will discover from what follows afterwards. In August 1739 he brought over 41 families more but it is false that he brought any of them over on his own expense in such manner that he or his family suffered thereby; for all of them either paid him for their passages and freight of goods or bound themselves as servants as usual in such cases for the payment and he disposed of these servants with profit to himself as is usually don in America in like cases.

When he came over the second time he was again offered a sufficient quantity of land on the terms promised him before he imported any one person and with which he had declared himself contented and the place the land was to be set out for him was named to him near where Fort Edward now stands but he insisted on having the 100,000 acres promised by Col Cosbys proclamation on the terms in that proclamation and put in a petition to the Govr and Council to that purpose which occasioned an inquiry and examination into the transactions previous to that petition as will appear by the reports of Committee of Council appointed for that purpose and made the 18th and 22d of April 1741 still remaining on the file of the Council. The true reason of Mr Campbells declining the terms to which he had agreed before these families were imported was that he and the persons that he had brought over with him were in no ability to comply with these easy terms and much less in ability of settling and improving new lands till such times as they could maintain themselves by their own labor. This inability was well known at

the time and may still proved by persons living who came over with Mr Campbell. As this inability was an unanswerable objection to their having lands on any terms Campbell was advised to apply to the Assembly for their assistance to support his people till such time as they should be able to support themselves which he did but without effect. For the Assembly after inquiry found that the people he had brought over with him were unwilling to settle under him as he proposed and Mr Campbells behavior after he came into the Country gave the Assembly a prejudice so far to his disadvantage that they disliked his settling on the frontiers. This being the case and it being at the same time well known that no part of the 100,000 acres promised by Col Cosbys proclamation had been settled pursuant to that Proclamation he had nothing to say or no game to play but to insist on the benefit of that proclamation as a matter which the Government was absolutely obliged to perform. Suppose the case to be so, yet certainly the intention of that proclamation was not to give land to persons who were in no ability to settle and cultivate the same. But as the case then stood it cannot be supposed that Gov Clark was under any personal obligation to be at the charge of making the Indian purchase and to be at all other necessary expenses out of his own pocket. If the settling of the frontiers at that time by these people had been of public benefit it ought to have been at the public expense. Which the assembly refused to do for the reasons before mentioned as most of the people who came over with Mr Campbell were unwilling to settle on the frontiers they met with no disappointment. They dispersed themselves among the inhabitants and provided for their families as others had usually don in like cases. You knew that several of those who came servants with Mr Campbell are now possessed of valuable farms in their own right in fee simple Mr Campbell only was disappointed of an unreasonable expectation by his not obtaining lands at other people's expense in order to

make merchandise of them Mr Smith can never be excused in making this publication without making use of all the means which were in his power for a true information The minutes of Council he tells us were open to him for his perusal They would have shown him that the account he had received of that matter cannot be true He was a boy at the time these things happened and he could have no knowledge of them and therefor I cannot pass over the concluding sentence in his narrative without particular notice viz *But it unfortunately dropt through the sordid views of some persons in power who aimed at a share in the intended grant to which Campbell who was a man of spirit would not consent.* It was impossible for Mr Smith to have such evidence of this fact as to induce any man of the least candor to publish so great a calumny on any gentleman, because of my own knowledge it is false and none who knew Mr Campbell can believe it. From this and many other parts of his history, Mr Smith appears to be fond of calumny otherwise he would have made use of the means of information which he owns were in his power.

Mr Smiths history has been of use to me in the chronology and in bringing things to my memory which otherwise might have escaped me. The remarks which I have made have helpt at times to fill up a vacant hour and I flatter myself they may be usefull to any who intend to write the hystory of New York when personal prejudices are removed and posterity can judge impartially. However this be I hope they may be of use to you and that you will receive them as an instance of  
Love from  
Your affectionate father

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CADWALLADER COLDEN TO HIS SON.

DEAR SON

I finished in my last all that I intended to write on that period of time to which Mr Smith confines his

History of New York and I should have concluded with what I have already wrote had not Mr Smith at the conclusion of his book made a large stride to reach a matter of posterior date relating to Captain Laughlin Campbell. Mr Smith has so grossly misrepresented this whole affair by giving a false account of every material circumstance and so egregious a calumny of Mr Clark and of other persons entrusted with the grant of Lands that I can not pass it over without giving you the true account of this matter

Laughlin Campbell in the year 1737 arrived in Pennsylvania from Scotland in order to find what encouragement he could have to settle lands in that Colony The only terms on which he could obtain lands there as he himself afterwards related were at the rate of £15 for each hundred acres besides the Quitrent and charges of survey and other officers fees While he was in Pennsylvania he heard of an encouragement from Col Cosby which had been offered for settling of 100,000 acres of land on the frontiers of New York and therefor came to New York to learn on what terms he could obtain lands there. Col Cosby had published a proclamation with consent of Council inviting protestants to transport themselves to the province of New York with a promise of 100,000 acres already purchased of the Indians to be granted to them at a certain rate or number of acres to each family free of all charges. The particular account of this may come properly in the history of Col Cosby's administration it is sufficient in the present case to tell that by sinister means this land was granted by Col Cosby in trust for himself and therefore at the time Mr Campbell came to New York it was not in Mr Clark's power to grant that land Mr Campbell was told that the 100,000 acres of land mentioned in the publication made by Governor Cosby had been already granted. He was informed of the usual method of obtaining lands in this province viz By first purchasing the lands of the Indians having the same surveyed and afterwards a patent under the Kings seal for this province He objecting to the

difficulties which a stranger might have in making the purchase and the other expenses which might attend the procuring a patent for the same in order to encourage the settling of the frontiers. The Governor and Surveyor General of lands undertook to make the purchase of the lands from the Indians and to be at the charge of survey and the fees of the officers in obtaining a patent at the rate of £3 Sterling for every hundred acres. He was pleased with this proposal, and promised to bring over a number of families to settle lands on these conditions. Notwithstanding of this after he had left New York he went to Maryland and finding that he could obtain lands no where on so easy terms as in New York he the next year brought over 30 families. On the importation of these families he was offered a grant of 19,000 acres of land free of all charges except that of the survey which he neglected to take for reasons which you will perceive by what follows afterwards. In August 1739 he brought over 41 families more but it is false that he brought them over or any of them on his own expense for all of them either paid him for their passages and freight of their goods or bound themselves as servants for the payment. He was so far from being a sufferer that he made a considerable profit by the importation of these people. After his arrival the 2d time he was offered land on the conditions offered to him at his first coming to New York with which he did not comply and probably was not in any capacity to comply. But what principally obstructed the Grant was that Capt Campbel (as Mr Smith calls him) was in no ability to settle these families either by himself or with the assistance of those that came over with them. This inability was notorious to all who knew Mr Campbell and the persons who came over with them. He was advised to apply to the assembly for their assistance to make that settlement for security of the Frontiers but the assembly declined giving any assistance because many of those he had brought over with him refused to settle under him saying that they had left their own country to

free themselves from the Vassalage they were under to their Lords there and would not become vassals to Laughlin Campbel in America and few or none of them were willing to settle on the frontiers towards Canada The Assembly at the same time entertained a bad opinion of Mr Campbel as one not proper to be trusted. Mr Smith says that the execution of this project so beneficial to the province failed by a breach of private faith and public honour through the sordid views of some persons in power who aimed at a share in the intended grant to which Mr Campbel who was a man of spirit would not consent. This assertion to my own knowledge is absolutely false When these things happened Mr Smith was a boy and could have no knowledge of them and it is impossible that he could have any evidence of what he asserts such as could induce a man of the least candour to publish such vile reflections of any other person. It is true that Mr Campbel insisted on his pretensions for a grant of Land pursuant to Col Cosby's advertisement tho he had been told before he imported any person that the lands mentioned in that advertisement had been already granted by Col Cosby because he had nothing else to found his pretensions on. There were then no lands to be granted which had been purchased of the Indians and the Government was persuaded that Mr Campbel sued for a grant with a view only to make merchandise of the same as he was incapable of settling a large tract. This they thought intirely opposite to the view they had of encouraging the settling of the Frontiers. No man will easily believe that Mr Campbel would have refused any person a share with him who had power or influence enough to obtain a grant of so large a tract for him. What I now write I not only assert on my own knowledge but I may refer to many still living and particularly to the persons that Mr Campbel brought over with him for confirmation of the same. But the whole may be more easily cleared up by a report of a Committee of Council the 18th and 22d of April 1741 which was appointed to inquire and examine



into Mr Campbels pretensions. Mr Smith vouches his having had the minutes of Council under his perusal as vouchers for the truth of what he writes in his History. In the report of the Committee many particulars appear to Mr Campbels prejudice which now he is dead I choose not to repeat. But in this case the Council and Mr Smith are in direct contradiction. When it is considered that the minutes of Council are transmitted to the board of Trade and plantations it is not likely that Mr Campbel could meet with what Mr Smith calls redress there.

[As Mr Campbell in his petition allwise refers to a publication by Col Cosby of 100,000 acres of land already purchased of the Indians which he promised such as should transport themselves into this province I do not pretend to justify what was done by Col Cosby with respect to those lands. All I say is that they were granted before Mr Campbel came first to New York and he knew that they were not then in the power of the Government]

It appears by the remarks which I have made on several parts of Mr Smiths history that his republican and independent principles have so far prejudiced him against Governors that in many instances he slanders their administration without any foundation and in none more than this for it appears evidently when the truth is known that the Governor and Surveyor General were at that time zealous in promoting the settlement of the frontiers by the families which Mr Campbel imported had it been in their power to do it and had not he by his bad conduct and private sinister views prevented the assistance which the assembly otherwise might have given towards making that settlement. The agreement made with Mr Campbel by the Gov<sup>r</sup> and Surv<sup>r</sup> Gen<sup>l</sup> shews it was on much easier terms than lands could be at that time obtained so easy that they could not thereby propose any private advantage to themselves and yet he never mentioned this agreement in any petition he made on this occasion tho'

he confessed it before the committee because he was not in a capacity to comply it was inconsistent with the real view he had of obtaining these lands for merchandise Mr Smith by makeing the least reflection if he had inclined to have considered the matter impartially might easily see that it could not be expected that the Governor or other officers intrusted with the grant of lands could make the purchase at their own expense and the necessary surveys of such a large tract and far less at their own expense go through all the charges necessary for making the settlements and maintaining the people till they could maintain themselves by their own labour for it is most certain that Mr Campbel and his company were in no capacity of settling themselves even supposing the land had been given them free of all charges He might on the least reflection see that their private fortunes were not sufficient for such an undertaking and unless this expense could be some way provided for it was impossible to make the proposed settlement and that without this were previously taken care of the granting of such a large tract of land could only serve private and sinister purposes. Never was a laudable zeal for the public benefit more grossly and injuriously misrepresented than this has been don.



III.

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DOCUMENTS

RELATING TO

THE ADMINISTRATION

OF

JACOB LEISLER.



## NOTE.

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THE Journals of the New York Council and Convention which are here given are copies from the originals in the British Public Record Office (*Colonial Entry Book*, No. 75), where they have hitherto escaped the attention of students of our Colonial history. They are mentioned in a letter of the Council of New York to the Earl of Shrewsbury, with which they were transmitted to England June 10, 1689 (*N. Y. Col. Doc. III.* 585), and in common with most of the other documents which follow were procured by Mr. GEORGE H. MOORE, in the course of researches for his collection of the *Statutes at Large of New-York from 1664 to 1691*.

Of those which follow the Journals, the greater part have been copied from the manuscripts of Pierre Eugene Du Simitiere, most of which are preserved in the collection of the Library Company of Philadelphia. Du Simitiere describes them as "Copies of Original Papers relating to the publick transactions in the Province of New York at the time of the Revolution and for several years afterwards beginning [with the] latter end of the administration of Lieut. Gov. Nicholson and during the Government of Capt<sup>a</sup> Jacob Leisler, Colo. Slaughter, Maj. Ingoldsby, Gov. Fletcher and the Earl of Bellomont containing the publick proceedings of Capt<sup>a</sup> Jacob Leisler, of Major Ingoldsby, Col. Bayard and others, an account of Leisler and Milborne's tryal and execution and the methods taken by his son Jacob Leisler in England to have the attainder reversed and their estates restored to the family, with all the petitions to the King, Queen, House of Lords, Lords of Committee of Trade and Plantations, &c. together with several acts of Parliament and Assembly and many other original papers concerning the said transactions. Copied from the originals in the possession of Mr. Abraham Gouverneur of New York, great-grand-

son of Capt. Jacob Leisler, who favored me with the use of them in August, 1769."

Mrs. Farmer, a daughter of Abraham Gouverneur who married the widow of Milborne, also appears to have had some of the family papers in her possession in July, 1759, at which time she furnished Smith the historian with a copy of the Act reversing the attainders, which he added in a note to his revised work.

They were evidently the family papers of the Leislars, collected and preserved as the documents on which they relied for the vindication of the sufferers and the support of their claims for redress. (See "*Loyalty Vindicated*," etc., *post*, pp. 385-386.)

If the originals are still in existence, they seem to be unknown to our historical students, who owe a large debt of gratitude to the memory of the accomplished artist-stranger who devoted himself with so great assiduity to the collection of materials to illustrate the history of his adopted country, and whose labors in this field are hardly indicated in the extracts from them which are presented in the following pages. A suitable biography of this neglected and almost forgotten pioneer in American History would be a just and honorable though tardy tribute to his fame, creditable alike to its author and subject.

Some of the papers in the Du Simitiere collection were copied many years ago, probably for the late Dr. Miller, and these copies are in the Society's collection of MSS. As they have been printed, with many additional documents from the State archives in the second volume of the *Documentary History of New York*, it is not deemed advisable to reprint them here.

The Society is indebted to Mr. S. ALOPSEN for the translations of the Dutch Documents which appear in the following pages; and to Mr. LLOYD P. SMITH, Librarian of the Library Company of Philadelphia, for liberal facilities in the use of the treasures in his care.

## DOCUMENTS RELATING TO THE ADMINISTRATION OF LEISLER.

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MINUTES OF THE COUNCELL ATT NEW YORKE FROM Pmo  
MARCH TO JUNE THE [ELEVENTH] 1689.

*Fortt James Frayday the first day of March 1688 $\frac{1}{2}$ .*

Present:

The Leften<sup>t</sup> Govern<sup>or</sup> NICHOLSON  
Major FREDRICK PHILLIPS  
Major STEPH. VAN CORTLANDT  
Coll. NICH. BAYARD.

This day came Robertt Ewel and John Teysack from Philadelphia and brought unto the leften<sup>t</sup> Gouverno<sup>r</sup> Nicholson, a letter from Cap<sup>n</sup> John Blackwell Gouverno<sup>r</sup> of Pensilvania with a copy off an examination off one Zagharia Whitepaine lately come from England. The substance off which Examination is that the Prince off Orange had invaded England and severall other transactions there, as by said examination more att large appeares.\*

The said letter and examination being read Robert Ewel and John Teysack ware examined about the premises, and said last Saturday night Zaghariah Whitepaine arrived att Philadelphia whereupon the said John Teysack was commanded to call the council there together. Who being mett the said Zaghariah White

[\* The examination is printed in the Minutes of the Provincial Council of Pennsylvania, 24th February, 1688-9. *Colonial Records*: i. 246, 249. Whitepaine left London on the 10th or 12th of December, 1688.]



paine was examined, and thatt the said Governor Blackwell gave unto the said John Teysack the above said letter to carry and deliver the same unto the Leftenant Gouverno<sup>r</sup> Francis Nicholson att New Yorcke.

The said Robertt Ewel and John Teysack alsoo brought severall letters for <sup>p</sup>ticular Inhabitants in this Towne beinge seaventeen in number w<sup>ch</sup> they delivered to this Board.

Resolved, that for the prevention off any tumult and the divulging of soe strange news, The said letters be opened to see if they contained the same substance off England's being invaded, which was forthwith done, and seen. That in a letter from John Blackwell directed to William Blackwell Marchant att Boston alsoo one letter from Le Tort directed to Isaack Des Champs march<sup>t</sup> att New Yorcke, contained the same news which made this Board give the more creditt to itt.

Whereupon it was further resolved forthwith to send Expresses both by water and land, unto his Excellency S<sup>r</sup> Edmond Andros Governou<sup>r</sup> in chieff to acquaint him with this matter, and to send unto him a copy off the letter of Examination as alsoo the letter directed to William Blackwell, and that the other letters except that of M<sup>r</sup> Des Champs should be sent to the Post house to be delivered to y<sup>r</sup> owners w<sup>ch</sup> was accordingly done.

Soe copies ware taken and sent by water with Thomas Broocks, and by land with English Smith, expresse sent for this purpose with this following letter, viz<sup>t</sup>:—

New Yorcke 168<sup>8</sup>  $\frac{1}{2}$  March the 2<sup>nd</sup>.

S<sup>R</sup>,

Yesterday morning was the Post John Perry dispatched from hence to your Excellency, since the Leftenant Gouvern<sup>r</sup> received this morning a letter from Gouverno<sup>r</sup> Blackwell from Pensilvania, a copy whereoff is here inclosed together with the news that he relates was come to his hands, which we find to be off thatt import that we have thought it our Duty to communicate the

same to y<sup>r</sup> Excellency by this Expresse Soe with all  
humility desiring y<sup>r</sup> Excellencies comands in these parts  
wee Remaine

S<sup>r</sup> y<sup>r</sup> Excellencies humble Serv<sup>ts</sup>

F. Nicholson

Fred<sup>t</sup> Phillips

Steph. Van Cortlandt

Nich. Bayard

Resolved, thatt M<sup>r</sup> Matthew Plowman shall pay unto  
English Smith six pounds in money to defray his charges  
to Boston, and what he shall deserve more is referred to  
his Excellency.

This Board considring thatt his Majesties money and  
the contreis for the Tax in the hands off M<sup>r</sup> Matthew  
Plowman his Majesties collector is not safe at his lodging  
being a private house and a great distance from the Fortt,

Resolved, that the said Collector bring all the said  
money he hath in his hands into his Majesties Fort  
James there to be locked up in a strong chest and sealed  
by him for the better securing off the same till further  
order from his Excellency.

*New Yorcke, 1689, April the 15<sup>th</sup>*

Whereas information hath been given unto the Lef-  
tenant Governo<sup>r</sup> off a ship being in distresse and having  
lost his masts near Barnegate The Leftenant Gouver-  
nour gave the following certificate and order to help the  
said ship to be brought up, viz.

By the Leften<sup>t</sup> Gouvernor.

Whereas I am informed that a ship or vessel about  
ten miles off from Sandy point is seen lying att ancor  
without any masts and in distresse, These are therefore  
to certifie all whom it may concerne that Cap<sup>t</sup> Benjamin  
Blagge and M<sup>r</sup> Gabriell Thomason in the sloop Hope-  
well are sent downe to enquire after said ship or vessell  
and to assist her (if need bee) as much as they are able  
to doe.

Given under my hand and seale in New Yorcke this 15<sup>th</sup> day off Aprill A 1689.

Fr. Nicholson.

Pursuant to send order Benjamin Blaggesailed thither and found the ship to belong to Milfortt Samuel Fitz Comander from Barbadoes, and came up with her to New Yorcke.

Order was given to M<sup>r</sup> Matthew Plowman to pay unto M<sup>r</sup> Blagge and M<sup>r</sup> Gabriell Thompson for sloop hire & provision &c, the sum of foure pounds eight shillings and six pence.

*New Yorcke 1689—April the 26<sup>th</sup>*

The Leften<sup>t</sup> Governour conveyed those off the Council here together and produced a declaration from the gentlemen, marchants and Inhabitants off Boston, and the Country adjacent dated Aprill the eighteenth 1689, setting forth the reasons for their apprehending and taking in custody his Excellency the Gouvernor Sr. Edmond Andross. Then one M<sup>r</sup> Veasey an enseign off a Company in Brantry near Boston who brought the abovesaid declaration to the Leftenant Gouverno<sup>r</sup> appeared and rescited thatt

His Excellency S<sup>r</sup> Edmond Andros by the Inhabitants off Boston the 18<sup>th</sup> instant was secured in the Fortt att Boston, That they had taken the Castel and the Friggatt, That they had seized Capt. George, Capt. Trifry, Enseign Andros, M<sup>r</sup> Randlph, West, Graham Palmer Uscher, Leggit, Belliafant ond others and committed them to the prison, That Capt. Winthrop, Coll. Srimpton, Coll. Page, John Nelson, &c., ware the chief actors in this affaire.

This news was a great surprizall to the Leftenant Gouvernor and Councill, and being but foure in number it was

Resolved, That the Mayer should call the Aldermen and Comon Councill forthwith together to acquaint them with this ill news, and to advise together what best is to

be done for his Majesties service and the quieting of the Inhabitants in this conjuncture and troublesome times.

*New Yorcke, 1689. April the 27<sup>th</sup>*

The Leften<sup>t</sup> Gouverno<sup>r</sup> NICHOLSON.

Major FREDRICK PHILLIPS.

Coll. NICH. BAYARD.

STEPHANUS VAN CORTLANDT.

Upon hearing the Revolutions att Boston and rumors of war from abroad between England and French and the number off the Councill being soe few, considring the necessity that all affairs ought to be put in good order, the peace kept and gouvernement secured from invasion abroad

Its ordered and resolved,

That the Mayor, Aldermen and Comon Councell with the Chief military officers be called together this afternoone to meet the Leftenant Gouvernor and Councill att the Towne Hall. There to advise whatt needful is to be done in this troublesome times for the quietnesse off the people and security off the Gouvernement.\*

And some of the Councell informing the Gouverno<sup>r</sup> of the jealousies and fears off the Inhabitants of this Citty by reason of the small number off soldiers in the Fortt, and most of them infirme and old and thatt it would bee demanded by some off the Cap<sup>ts</sup> off the militia That some off their soldiers might keep the guard in the Fortt, to prevent the same, it was resolved to propose the same to them To shew our willingnesse to defend the fortth Citty and Gouvernementt against any comon enemy.

That alsoo the Justices off the peace and Cheeff military officers in the severall Counties be sent for To tell them of their duty and to be aiding and assisting to

[\* The Minutes of the General Meetings held under this call on the 27th April and subsequently until the 6th of June, 1689, follow these Council Minutes in this volume: post: pp. 272-290.]

keep the people in peace and to endeavour the welfare and security off the government.

Then the following letter was sent.

New Yorcke 1689, Ap<sup>r</sup> the 27<sup>th</sup>.

Gentlemen,

Having received the surprising news that the Inhabitants off Boston have sett up a government for themselves, and alsoo off rumors of warr from abroad it is thought necessary to convene some off the cheef officers to meet us. These are therefore to desire That the severall Justices off the Peace Leften<sup>t</sup> Cornells, Majors and Captaines now in Comission in your County, appeare before us heare att New Yorcke on att two off the clocke in the afternoone to advise what best is to be done for the safety and security off the Province soe not doubting off your compliance

Remaine y<sup>r</sup> frinds

Fr. Nicholson

Fred. Phillips

Step. Van Cortlandt

Nich. Bayard.

This letter was sent to the severall Counties to meet according to their distances from New Yorcke and not to hinder them from their businesse att home, viz<sup>t</sup>,

Kings County to meet next Monday

Queens County Tuesday

Westchester County Wednesday

Bergen County Thiresday

Richmond County the same

Collonell Hamelton att Amboy ye same.

*Monday the 29<sup>th</sup> off Aprill.*

The Justices off the Paice, and Cap<sup>ts</sup> off the militia in King's County came, and promised to doe all their endeavours to keep the people in quietnesse and defend the country against the comon ennemy and resolved to sett out a centry att Conny Island to keep a continuell

watch to looke out at sea, and if above two ships comes together then to send an expresse to the Gouvernor to acquaint his honor therewith, and that the forces of said County should march to Nesack Bay to hinder any landing, if an ennemy, and if it should happen that the enemy should land, then the Gouvernor is resolved to gether all the strengt he can to beat the ennemy from Long Island. But if the ennemy should saile thorow the narrows up to New Yorcke then the forces off Kings County are to march to New Yorcke and the boats at New Yorcke shall be sent to bring them over. In meantime orders should be sent to the counties of Westchester, Queens, Richmond, and Bergen County to assist us with what men they can.

*Thursday the 30th off Aprill.*

Major Willett, Capt. Jackson and other civil and military officers from Queens County came and met the Gouvernour & Council and promised all the assistance their country can afford, and would endeavour to encourage the inhabitants to peace and quietnesse.

*Wednesday, the first day of May.*

Capt. Panton and other officers from Westchester came and promised all assistance their county can aford upon notice given and that they would endeavour to keep their people in peace and quietnesse.

*Thursday the 2d off May.*

The Justices off the peace off Bergen County and East Yarsay came and mett the Gouvernor, viz<sup>t</sup>. Coll. Hamilton, Coll. Townly, Capt. Berry, Capt. Bowne & Magistrates off Bergen all promising that they would be aiding and assisting to reprias any comon enemy and because there are noe military officers in comission in the County or corporation off Bergen, Hans Diderich was appointed Capt. Jurriaen Thomas Leftenant and Claes Teers Enseigne off said Corporation and commissions given accordingly. A long debate was about

setting up beacons upon the highland off Rensselaers hooke but nothing concluded.

*Fryday the 3d off May.*

The civill and military officers from Richmond County came and mett the Gouvernor and Councell att the towne-hall.

The Gouvernor recommended to them to be watchfull with courage and if any ships above the number off two should come within Sandy hooke to give us notice thereof and in meantime to keep peace and unity amongst the people which they promised to doe.

It was alsoe the 27th off Aprill past considering the small number off Councell that is remaining off thirty nine, and not authorized to act as a greater number could doe That the following letter be sent to the rest of the Councell, viz<sup>t</sup>.

New Yorcke, 1689 Aprill the 27th.

Sr.

Having received the surprizing news that the Inhabitants of Boston have sett up a Gouvernement for themselves and disabled his Excellency the Capt. Generall and Gouvernor in Chieff from acting in the government These are therefore to desire you That you would come with all expedition to advise and consult with us what proper is to be done for the safety and welfare off the Gouvernement this Citty and part of the gouvernement being resolved to continue in their station till further order. Soe not doubting off y<sup>r</sup> compliance Remaine,  
Y<sup>r</sup> friends & humble Servants

Fr. Nicholson

Fred. Phillips

Step. Van Cortlandt,

Nich. Bayard.

This letter was sent to  
Major Generall Winthrop  
Cornell Treat  
Cornell Allen  
Cornell Yongs

Cornell Pinchere  
 Walter Clarke Esq.  
 Walter Newburry Esq.  
 Major Smith

To each of them a Letter.

*New Yorcke 1689, Aprill 30<sup>th</sup>*

The Leftent Gouvernor & Councill mett considring the dangerous times and for the prevention off disturbances did think it convenient to send the following letters to the Magistrates off Albany and Ulster to desire them to keep all people in peace and quietnesse, viz<sup>t</sup>.

*New Yorke 1689, Aprill the 30th.*

Gentlemen,

Having heard the surprizing news that the Inhabitants of Boston have seized upon the person off his Excellency Sr. Edmond Andros the Gouvernor in Chieffe and severall other persons off quality. These are therefore to acquaint you therewith and to desire all magistrates, justices of the peace, sherriffes Constables &c. to use their utmost endeavours to keep all persons in peace and quietnesse and that all military officers keep good watch and their men all well exercised, armed and equipt according to law, Soe remain Yr. friends

Fr. Nicholson

Fred. Philips

Steph. Van Cortlandt

Nich. Bayard

To the Civil and  
 Military Officers  
 att Ulster.

*New Yorcke 1689, Ap. the 30<sup>th</sup>*

S<sup>r</sup>

Wee are hartly sorrow to acquaint you off the ill news that the bastaines have seized his Excellency Sr. Edmond Andros the Gouvernor with severall other gentlemen. Wee are at quitt and hope it is so with you, wee dayly expect to hear from England and



further news from Boston, and as soon as it comes to us, shall acquaint you therewith by the first opportunity in meane time wee desire that you will doe your endeavor to keep all people in peace and quiitnesse. Soe remain  
Your frinds

Fr. Nicholson  
Fred. Phillips  
Step. Van Cortlandt.  
Nich. Bayard.

To Major Baxter  
one off the Councell and Comander  
att Fort Albany.

*New Yorcke, 1689. May the first.*

The Leften<sup>t</sup> Gouverno<sup>r</sup> and Councell mett thincking it to be their duty to write the following letter to his Excellency S<sup>r</sup> Edmond Andros the Gouvern<sup>r</sup> in Chieff viz<sup>t</sup>  
May it Please Y<sup>r</sup> Excellency.

It was an extraordinary surprizall for us to hear off the Confusions that the Inhabitants att Boston have occasioned in the Gouvernement by usurping that part off the Gouvernement to themselves, and that they have seized the person of your Excellency and severall off your officers. Wee cannott imagine that any such actions can proceed from any person of quality amongst them, but rather promoted by the rable. And that for the safety off your Excellency's person those measures have been taken, butt hope and doubt not before this the furie of those ill psons may be allaied, and that your Excellency and the rest off the officers may be restored to their former station. In the meantime wee can doe noe lesse than as to condole your Excell<sup>ty</sup> troubles. And as for this part off the gouvernement wee find the people in generall to be inclined to peace and quietnesse and doubt not will remaine loyall. The most troubles wee meet withall is occasioned by the remouvall off the Records off this part off the government to Boston for the want off which severall psons have made their complaints to us desiring our endeavours that the same may

be returned to this office, wee therefore desire that your Excellency for the more quieting off the minds off our people will take such measures that the said Records with the first opportunity may be remitted to this place wee are hourly in great hope to hear better news off Y<sup>r</sup> Excellency and off your good health, which will be most acceptable to us, who are as in duty bound your Excellency's most humble Servants

Signed Fr. Nicholson  
Fred. Phillips.  
Steph. Van Cortlandt.  
Nich. Bayard.

The Leftenant gouverneur & Councell did thinck it alsoo to be their duty to write and send the following letter to the gentlemen att Boston, viz<sup>t</sup>

To Simon Broadstreet & Wayt Winthrop Esq<sup>r</sup> and others att Boston,

New Yorcke, 1689, pm<sup>o</sup> May

Gentlemen,

It was an extraordinary surprizall to us to hear off the confusions the Inhabitants att Boston have occasioned by taking that part off the gouvernement to themselves, and that they have seized upon the person off his Excellency and severall off the officers. Wee cannot imagine that any such actions can proceed from any person of quality amongst them but reather promoted by the rable. And that for the safety off his Excellency's person those measures have been taken, but hope and doubt not before this time the furie off said psons may be allaid, and that his Excellency and the rest off the officers may be restored to their former stations, or at least have liberty to come heither, for this part of the gouvernement wee find the people in generall inclined to peace and quiitnesse and doubt not but will remaine in their duties. Wee doe not question but you will send us a speedy answer, the matter being off so great a consequence. Tending to the peace and quiet-

nesse off us all which if you doe wee remaine Y<sup>r</sup> frinds  
& servants

Fr. Nicholson  
Fred. Philips  
Steph. Van Cortlandt  
Nicholas Bayard

*New Yorcke, 1689. May the 4<sup>th</sup>*

Having heard off the troubles and disturbances in Suffolk County on Long Island, The Gouvernor and Councell did thinck itt necessary to write and send the following letter to Major Howell att Southampton.

*New Yorcke, 1689. May y<sup>e</sup> 4th.*

S<sup>a</sup>.

Being informed that some disturbances have lately hapened in your Pari... which hope is put to an end ere this by your prudent management, and for the prevention off the like in these parts. Wee use all our endeavours to keep the people in peace and quietnesse and are daily bussie to fortify the fort and Citty that wee may bee in a fitt posture to resist any forraign enemy. And that we may be the more able to doe the same wee have desired the civill and military officers in the counties neare to us to be aiding and assisting in soe good a design who have all promised upon notice given to be assistant therein that soe wee may jointly with heart and hand reprieves a comon ennemy. Wee have to that effect sent a letter to Coll. Yongs with a desire that he would speedly come to advice and consult with us whatt is proper to be done for the safety and welfare off the gouvernement. This letter was intended to be sent before now but, hearing off one Stephen Bayley to be in towne, come expresse to take notice and inspection over our actions and proceedings here. Wee sent for him who told us that it was all your desires that this towne and fort might be well fortified, and if wee desired assistance off men, that the County of Suffolk would help us with them if occasion. Wee ware also informed that there are some great guns in your parts,

which might easily be had, wee therefore desire you to acquaint us what quantity you have &c. on what terms you would lett us have the same for fortifying this towne, and if on reasonable terms wee will endeavour to agree with you for the same. If two off the Justices and two off the cheeffe military officers off your parts come heather speedily to informe us off what condition you are in and to see in whatt posture we are. In order to oppose the French or any other forraigne ennemy it will be very acceptable to your loving friends, signed

Fr. Nicholson

Fred. Phillips

Steph. Van Cortlandt

Nich. Bayard.

*New Yorcke, 1689, y<sup>e</sup> 8<sup>th</sup> May*

The Gouvernor & Councell thought itt very necessary to write the following letter to Major Howel att South Hampton to give them an Account off the affaires att Boston and alsoo att Albany to give them an Acc<sup>t</sup> the story off the Indians and French is not true, but all well there.

New Yorcke, 8 May 1689.

S<sup>r</sup>.

Since our last to you off the fourth instant by Stephen Bayly offers here little off moment onely that the revenue of the gouvernement is ordered to be applied towards the fortifyinge off this Citty against any attack or invasion that might be attempted by any forraigne ennemy. And this very morning began the inhabitants to worke upon the said fortifications by whole companies, from Albany wee ware alarmed by the reports off some aproching danger off the Indians and French of Canada. But by the last vessel which arrived here on Sunday last wee have certaine intelligence by some off the chieff traders and magistrates there, that nothing off such danger was feared by them, since the said reports proved to them altogether false, and our Indians dayly coming

in with Beavers, promising this summer a good trade. The Post John Perry came here on Monday nigt from Boston with severall letters, by which wee understand, that partt of the gouvernment to be in a great confusion occasioned by their late rash proceedings, severall off the persons of quality begin to looke backe and attribute now all to the rable. That theire ships and vessells already loaden dare nott departt because none can obtaine any clearings and that some doe intend very speedily heither only to take out their said clearings. All the Justices and cheeff military officers of the counties adjacent have been advised in this conjuncture off time what may produce most to the comon safety and have unanimously promised upon the first allarm that shall be given them, to come and assist the citty and fort with all their forces. These are now further to desire that you will be pleased to conveane the cheeffe off the civil and military officers and communicate the premises and off our desires that they will in like manner upon the first allarm given afford this city and fort all the assistance imaginable by sending down their forces, with all possible speed. And that due advertisement may be given us off their willingnesse either by an answer from yrselfe or by sending some person to us. Soe not doubting off your compliance wee remaine S<sup>r</sup>.

Y<sup>r</sup>. frinds and Servants

Fr. Nicholson

Fred. Philips

Steph. Van Cortlandt

Nich. Bayard.

*New Yorcke, 1689. May the 9<sup>e</sup>*

Major Thomas Willett and Cap<sup>t</sup> John Jackson appeared and acquainted the gouvernor and Councell that the men in Queens County that have been with Coll. Thomas Dongan in the late expedition at Albany are all in armes and the whole county in an uproar, desiring that they might be paid money being raised for that purpose, &c. After mature deliberation for quieting the minds off

the people and securing and keeping the peace off the gouvernement it is ordered that an order be given to Mr. Matthew Plowman to pay unto Capt. Jackson aforesaid the sume of one hundred and sixteen pounds thirteene shillings, being the arrears due to the men that ware prest out off said County. But hearing that said County had paid unto the Collector aforesaid But fourty two pounds tenn shillings and three pence on account of their Taxt it is further ordered Thatt an order shall be sent to the Justices of said County to call the severall Collectors before them off said County, and to give them an order to pay unto Capt. John Jackson aforesaid the sume of seaventy foure pounds two shillings six pence halfe penny which with the fourty two pounds tenn shillings and three pence aforesaid compleats the whole sume off one hundred sixteen pounds thirteen shillings halfe penny.

Then this following order was given

Whereas it hath been thought convenient by the Lieutenant Gouvernor and Council that M<sup>r</sup> Matthew Plowman should pay unto Capt. John Jackson the sume of one hundred sixteen pounds thirteen shillings and halfe a penny, to pay the arrearages of what is due to the soldiers that ware under his comand in the late expedition att Albany. But finding that Queens County hath brought in onely the sume of fourty two pounds ten shillings and tenn pence, These are therefore to require you to call before you the severall Collectors off your County, and to order them to pay or cause to be paid unto the said Capt. John Jackson the sume off seaventy foure pounds, two shillings and six pence halfe a penny in order to pay all his soldiers aforesaid for which this order and his receipt shall be your discharge.

Dated att New Yorcke this 9<sup>th</sup> day off May 1689.

Signed

Fr. Nicholson  
Fred. Phillips  
Steph. Van Cortlandt  
Nich. Bayard.

*New Yorcke, May y<sup>e</sup> 12<sup>th</sup> 1689.*

This morning the Leften<sup>t</sup> Gouvernor received a letter from the Mayor att Albany, That the Indians had gott some jealousies in their heads which if not prevented might cause greatt mischieff, it is therefore thought fitt to send them the following letter, viz<sup>t</sup>

New Yorcke, 12 May, 1689.

Gentlemen,

This morning came to our hands by these bearers a letter from the Mayor att Albany acquainting us off the affaires off the Inhabitants off thatt County in regard off the Indians, occasioned by the jealousies raised amongst them that Gouvernor Andros last winter att the Eastward had agreed with those off Canada to destroy the five cantons nations. Wee have cause to beleve that those jealousies are come over to them by some ill affected persons from New England, since wee about three months past had the news here from Boston that severall libells ware disperst there to the same effect, and although the same is sufficiently contradicted and is proved to be a mere falsehood, yett since itt is so printed in the mindes off those heathens it will be in vaine to be overpressing with them to diswade them thereoff, wee are off the same opinion with your selfe that it would be most destructive to this gouvernment that by occasion off said jealousies the said five nations should joine with Canida, you have therefore done very well that you have already sent two persons to the Maquaas land to endeavor by all possible meanes to remove any such jealousies and doe judge it further most safe that you proceed in like manner by sending alsoo to the rest off the nations as you conveniently can, and to acquaint them either by y<sup>r</sup> selves or by such persons as you shall thinck fitt and know to be most acceptable to the Indians.

*Imprimus*, that wee have news from beyond the Zeas that the English and the Dutch nations are joined together cheeffly to curb the pride of France,

and that wee daily expect orders to be in warr with them.

*Secondly*, That from Boston wee had about three months agoe intelligence that Sr. Edmond Andros had joined with the French, But that it was since contradicted, That he was now seized on att Boston, But thatt, wee could not hear any such thing was laid to his charge and thereby concluded to be a falsehood.

*Thirdly*, That they might be assured off the entire and old friendship off the Inhabitants off this gouvernement Thatt wee are now fortifying off New Yorcke, although wee doe not feare the French, only to be upon our guard, and to be ready when orders comes from beyond Zea which we expect will be to figt the French as our and their ennemy to bring them low.

*Fourthly*, That the persons here made a stop to their late victories against Canida are laid aside and that they need nott to suffer any more abuses from those off Canida. That the five nations therefore must stick together and not suffer any of them to goe to Canida for to be deluded, poisoned or betrayed nor to suffer any French to live amongst them.

*Fifthly*, That if they shall see cause att their going in warr against any off their ennemies, to leave their old wives and children amongst the Christians near Albany, That care will be taken for their maintenance and protection.

*Sixtly*, To remove all jealousies which the French or others might have raised against the gouvernm<sup>t</sup> and to assure them of our friendship, you are to present to each of the five nations one barrell of powder to be employed if need be against our and their ennemy.

Gentlemen this is at presentt what wee can thinck may bee convenient to bee offered, but since the tempers and the manners of the Indians are best knowne to your selves, We leave to your menagement the wordings off the proposalls and the adding off what you will find to be more needfull tending for the comon safety of your county in particular as well as the gouvernement in



generall. But as for to suffer any to goe and trade in the country wee thinck it not safe. And by all meanes you most take prudent care that noe cause of offence be given from our side. And although any harme should be done by any Indian (which God forbid) That you be onely in the defensive part for to prevent an open warr. But that you rather endeavour to quell any such offences as criminalls and offenders against any knowne law of the gouvernement. In the meantime wee recomand you to be watchfull with courage and to diswade the people from being allarmed att every idle Indian story. Endeavour cheefly to preserve peace and unity amongst yourselves which is alsoo our cheevest studie here, waiting with patience daily to receive orders from England. In hopes whereoff wee remaine

Gentlemen

Y<sup>r</sup> frinds and Servants

Fr. Nicholson

Fred. Philips

Steph. Van Cortlandt.

Nich. Bayard.

This letter was communicated to the Mayor Aldermen Comon Councell militarie officers and the gentlemen from Suffolk on Long Island, and approved off by them all without any contradiction.

*Fort James the 13<sup>th</sup> day of May, 1689.*

The Auditor Stephanus Van Cortlandt complaining that the Collector M<sup>r</sup> Matthew Plowman is much backward in making up his acc<sup>ts</sup>, and by his computation much indebted, and alsoo that the said Collector refuses to pay a Bill drawne upon him by the Leftenant Gouvernor to pay unto M<sup>r</sup> Bristoll thirty pounds.

Its ordered that M<sup>r</sup> Plowman be sent for, who coming said he had noe money in Cash

Then it was further ordered that the Collector M<sup>r</sup> Plowman bring in the Secretaries office all his boockes, and papers relating to his Majesties revenue both off receipts and disbursements together with his Commission and

Instructions and to remaine and stay till he hath given an exact account thereof, and further order from this Board.

*New Yorcke 15 May 1689.*

The Leften<sup>t</sup> Gouvernor and Councell being mett together did thinck it very necessary that an a<sup>cc</sup> ought to be given to the principall secretary off State and the Secretary off plataçons, off the state and condition off this gouvernment, whereupon the following letter was sent by John Corbett master off the ship Beaver as p<sup>r</sup> receipt.

May it please y<sup>r</sup> Honor.

Wee have received from severall parts most various reports concerning the p-sent state off affaires in Europe and in particular off the unparaleld changes in England, yett to this very day altogether distitute off any certainty which wee hope to receive ere long. In the meane-while wee have thought it our duty by this opportunity for to give your honour some acc<sup>t</sup> off the troublesome state and condition off this Province and Gouvernm<sup>t</sup>.

Your Hono<sup>r</sup> will find by the inclosed printed summons and declaration upon what pretence some off the Inhabitants marchants and gentry off Boston and places adjacent have throwne downe all manner of gouvernment there and set up for themselves. They have alsoo seized the gouvernor S<sup>r</sup> Edmond Andros with several off his Councell officers and gentlemen which still are kept in close custodie and prison, disbanded the standard melitia and in fine (as it is reported) suffer the rabble to comit severall insolences.

The Collonies off Rhoad Island and Connecticott have followed their steps and as it is reported, have chosen for them selves alsoo new Gouvernours in soe much that this part off the dominion was onely inclined to rest at peace, and quiet till orders doe arrive and would undoubtedly soe continued unlesse the seed off sedition had been blazed from thence to some outward skirts off this province.

And at first in Suffolck County being the east end

off Long Island all majestrates and military officers ware put out by the people and others chosen by them. The same patterne was alsoo followed by Queens-County and County of Westchester.

This would not satisfie them, but upon hopes to find the Inhabitants off this citty divided and on a faire pretence to be exceedingly concerned and zealous for the safety off the Citty and fortt against any attack or invasion off the French, greatt part off their melitie have taken up armes and are now come at or neare Jamaica about fourteen miles from this place, in order if they could to make themselves master off this Citty and fortt to plunder as it is feared this Citty or at least such members as they would see cause to expose to y<sup>e</sup> rabble; and to that end severall of them with the assistance off some ill affected and restlesse spiritts amongst us, used all imaginable meanes to stirr up the Inhabitants off this Citty to sedition and rebellion, but God be thanked who hath blessed our endeavours that wee have hetherto prevented their dangerous designs, but know not how long wee shall be able to resist their further attempts.

But now wee ware anew allarmed from Albany that some Indians in that County ware jealous off this gouvernement and that some Insolencies had been comitted by them occasioned as wee suppose by meanes off some libells and falsehoods lately come from Boston possessing the Indians with feare that Sir Edmond had joined with the French off Canida to cutt them off.

Its most certaine that the Gouvernor off Canida will not slip this opportunity to inflame those jealousies and all faire and plaiesable meanes endeavour to unite our Indians to himselfe which would tend to the utter ruine off all the English settlem<sup>ts</sup> on this Continent.

Wherefore wee shall not be wanting to use our utmost endeavors for the removing off said jealousies and the securing off our five Cantons and warlike Indian nations to our selves. In the midst off all the troubles within our selves wee ware dayly allarmed with rumors

off warr with France, which occasioned a resolve to be made for new fortifying off this Citty since all the former (for what reason wee know not) are suffered to fall to ruine, if not for some part demolished, but how to raise money for the accomplishing of any such fortifications noe way could be found to resolve us there in as our condition is now.

Att this very conjuncture off time began severall off the marchants to dispute the paying off any costumes and other duties as illegally established and seeing thatt it was not possible to put a stop to their currant or to uphold the revenue on the same foot wee conveyaned all the civell and military officers off this Citty and with their consent and advise did order that the said revenue arrizing by the customs, excise and weigh being from this first day off this instant month off May should be applyed towards the paying and defraying off the charges off said fortifications by which meanes wee hope in some manner to preserve the said revenue.

The Collector Matthew Plowman has been ever since the five and twentieth day off March last dayly called upon to give in his Acc<sup>t</sup> off the revenue till said date according to order, and since he hath hetherto delayed to performe said order as also for the more security wee thought it most safe to call out off his hands and secure in the fortt what little money off the revenue and the contry tax was in his hands, which is sealed up by him selfe in a chest.

The Auditor is now busie in auditing said accounts but our time being wholly taken up in keeping all things in order must be sent by the next opportunity.

In all these Revolutions and troubles wee have been deprived off all advice and assistance off any other off the members off the Councell soe thatt all the burthen in this present conjuncture has onely laine on those few members residing in New Yorcke.

Wee sent a letter to Gouvernor Andros since his confinement as alsoo one to Simon Broadstreet and

Wayt Winthrop Esq<sup>r</sup> att Boston but have received noe answer.

This part of the Gouvernement by occasion of said revolutions deprived from its free course off justice since the judges appointed for this circuit are alsoo in custodie att Boston by which meanes many here suffer exceedingly both in person and estate.

It would now alsoo bee very needful for to lay open how fatall it hath been for this Citty and province off New Yorcke soe to bee annexed to that off Boston which if it had long continued would occasioned the totall ruine off the inhabitants off said province.

But since wee conject that the present conjuncture off affaires in generall will not admit off any emediat redres wee shall therefore not trouble yo<sup>r</sup> Honor att present therewith onely hoping and most humbly praying that the inhabitants off this province may receive that comon justice thatt nothing be determined to their disadvantage before the severall greevances off this province be heard, and that your honor will be pleased to make such their complaints knowne to such as may be able to give releeffe therein till wee can receive certaine intelligences and needfull orders w<sup>ch</sup> wee dayly expect and shall in the interim remaine, May it please your Honor

Your hon<sup>r</sup> humble Servants

The Lef<sup>t</sup> Gou<sup>r</sup> and Councill now residing in New Yorcke.

Fr. Nicholson

Fred. Philips

Steph. Van Cortlandt,

Nich. Bayard.

Two letters off this tenure were sent, viz<sup>t</sup>:—One, to the Right Honorable the Principall Secretary off State att Whitehall, and one to the honorab. The Secretary off Plantations att his office in London.

*New Yorcke, 1689, May the 18th*

The rumors with France continuing The Leften<sup>t</sup> Gouverno<sup>r</sup> and Councill did thinck it necessary to send

the following letter to our neighbours the justices off the peace and militarie officers in fearfield County the same in New haven County and the same in Hartford County. Gentlemen,

Having this opportunity wee thinck it proper to acquaint you thatt wee have received severall rumors off warr with France for which reasons wee are now fortifying this Citty, and shall desire that if any ennemy should approch upon the first notice wee shall give you thereoff that you will not faile to assist us with some off your melitie, That soe wee may be able to repulls any invaders soe not doubting your compliance there in itt being for the comon safety off us all, wee remaine

Y<sup>r</sup> loveing frinds  
Fr. Nicholson  
Fred. Phillips  
Steph. Van Cortlandt,  
Nich. Bayard.

*New Yorcke 1689, May the 18th.*

Present the Leften<sup>t</sup> Gouvern<sup>r</sup> and Councell, M<sup>r</sup> George Wodderborne being come from Boston delivered to the lieuten<sup>t</sup> Gouvern<sup>r</sup> and Councel the following Instructions from his Excellency S<sup>r</sup> Edmond Andross Capt. Generall and Gouverno<sup>r</sup> in cheeff Given him verbally by his Excellency att Boston being under confinement in the fort there, viz<sup>t</sup>.

Verball Instructions Given by his Excellency S<sup>r</sup> Edmond Andros Capt. Generall and Cheeff Gouvernor over his majesties Territories and Dominion off New England.

To George Wodderborne to communicate these following articles to Francis Nicholson Lieuten<sup>t</sup> Gouvernor off New Yorcke.

*First.* That you call the Councell and intimate to them the unjust proceedings off the people in Boston by keeping his Excellency prizoner and the other gentle-

men upon frivolous pretences off their owne without any shadow off reason.

*Secondly.* His Excellency desires that you and the Councell will send Coll. Hamilt n and Coll. Smith to Boston with comission to demand his Excellency and the other gentlemen to be att liberty that they may come amongst you.

*Thirdly.* That you take special care to keep Albany in quiett and endeavour not to lett the Indians know that his Excellency is prisoner.

*Fourthly.* To send a sloop wel maned to Pemaquid with some provisions for Major Brockhols, and order the master to wait his motion for bringing off the soldiers if Brockhols finds itt convenient

This is the true orders delivered by his Excellency to mee seigned

George Wedderborne.

The Leften<sup>t</sup> Gouvernor and Councell takeing the same into consideration doe think it very necessary thatt George Wedderborne should declare upon oath the truth off the above Instructions.

The Mayor Stephanus Van Cortlandt was ordered to administer the same to him which was accordingly done in the presence off the Councell.

New Yorcke, 1689, May the 18th

Then appeared the within mentioned George Wedderborne and declared upon oath thatt the within foure verball Instructions ware ordered him by his Excellency S<sup>r</sup> Edmund Andross, the Capt. Generall and Gouvernor in Cheef off New England &<sup>e</sup> to deliver unto the Leftenant Governor Francis Nicholson.

Sworne in Councell the day and yeare above written before mee

Steph. Van Cortlandt, Mayor.

The Lieutenant Gouvernor & Councill taking these Instructions into their deliberations ordered that in the meantime the Kings Barke should be repaired if occasion

should bee to use her, and that the Mayor should see the same done.

That the following letter should be sent to Coll. Hamilton and Coll. Smith to advise with them concerning this matter and the Leften<sup>t</sup> and Councell will take the pmises into their further consideration.

The following letter was sent to Coll. Hamilton and to Coll. Smith.

New Yorcke, 1689. May the 18<sup>th</sup>

S<sup>R</sup>.

The Lieu<sup>t</sup> Gouverno<sup>r</sup> and Councell have comanded mee to send these few lines unto you desiring (if your occasion will permit it) That you would be pleased to come here att New Yorcke as soone as possible may bee, There being for the publicq good off the Gouvernment occasion off a gentlemans going on a jorney That will take up two or three weekes time, The which if you be pleased to undertake would be a singular favor to the gouvernm<sup>t</sup>, & especially to the Gouvernor and Councill soe remaining y<sup>r</sup> frind and servant.

By order of the Gouvern<sup>r</sup> & Councell

Steph. Van Cortlandt

*New Yorcke, 1689. May the 22<sup>th</sup>*

Coll. Hamilton and Coll. Smith being sent for as above came to New Yorcke and declared their readinesse to serve the king and country and appeared before the Gouvernor and Councell.

Coll. Hamilton first speaking said That he is always ready to serve S<sup>r</sup> Edmond Andros and the Country, but finds him selfe obliged by a Comission off S<sup>r</sup> Edmond Andros to be judge off the inferior Courts off Comon Pleas in East Yarsay, which are to be kept the first, second and third Wednesday in June and alsoo that the people there is still in quiett and feares that his absence from those Courts might throw the people in mutiny or rebellion and since he came in New Yorcke finding the people all in an uprore and disaffected to his Excellency by reason off the rumors they had from people coming



from Boston did thinck it not advisable in these dangerous times to act any further for fear it would bring the place in actual rebellion.

Col. Smith alsoo shewed and declared his willingnesse to serve his Excellency S<sup>r</sup> Edmond Andros, The Leften<sup>t</sup> Gouvernor having spoken to him in that behalfe Butt hee living att Zeatakkett the middle off Long Island ware the people already shoocke off this gouvern<sup>mt</sup> and taking him to be a papist or a frind off them fears if hee should goe to Boston that the people in his towne would rise and plunder his house, if not offer violence to his family, and for the rest is off the same opinion as Coll. Hamilton.

The Leften<sup>t</sup> Governor and Councell taking the matter in mature deliberation seeing the uprores in all parts off the Gouvern<sup>mt</sup>. The people incensed against his Excellency by the libells and other reports from Boston and alsoo having received a letter from Simon Broad Street and Wayt Wintrop, Esq, att Boston wherein they refuse to sett his Excellency att liberty. And alsoo having heard that Major Brockhols, Major Mackgregorie and George Lockard are taken att Pemaquid. The Lieuten<sup>t</sup> Gouverno<sup>r</sup> and Councell thinck it most safe to for bear acting in the premises till they see the minds off the people better satisfied and quieted.

*New Yorcke 1689, May the 24<sup>a</sup>*

The Gouvernor havinge received a letter from the Majestrates att Albany acquainting his honor that the affaires with the Indians is in a pretty good state and noe feare off any trouble with them. But that to the contrary between sixty and seaventy young men thatt ware two yeares agoe taken and plundered by the French and kept in prison by them are gott together and demand comission or letter off martt to goe to Canida and take off the French subjects their estates so much as will pay them for their goods taken with all damages, &c.

The Gouvernor and Councell taking the same into

consideration did think it necessary to send them the following letter, viz<sup>t</sup>

New Yorcke, 1689. May the 24<sup>th</sup>

Gentlemen,

Wee have received yours dated the 21<sup>st</sup> off this instant by M<sup>r</sup> Robert Livingston and have communicated the same to all the magistrates off this Citty, who are all off one unanimous opinion that it is not safe for this gouvernement to suffer or to give any comission or letter off mart to the Youngman that ware at Attowawe, To goe towards Canida or elsewheare, Because wee dayly expect orders out off England and doe not know wether it is warr or peace between England and France. But recommend their readinesse if occasion should bee, and therefore you must in noe manner suffer their proceedings. If att any time you have letters or messingers from any part off New England you are to send them to us, to prevent the stirring off division amongst you and u. The further contents off your letter will be answered att the returne off M<sup>r</sup> Robert Livingston in meane-time wee remaine Your friends

Fr. Nicholson.

Fred. Philips

Steph. Van Cortlandt

Nich. Bayard.

New Yorcke, 1689. May the 27<sup>th</sup>

Major Jarvis Baxter one off the Councell and Comander off the fort att Albany arrived here this day from Albany. And appeared before the Gouvernour and Councell, acquainting and declaring unto them under what circumstances those off his perswasions are And therefore for the quieting off the minds of the people and comon peace off the Citty and Gouvernement, desired off the Leftenant and Councell leave to withdraw him selfe toward New Yarsay Philadelphia and Maryland till further orders from England.

Which was approved off

*New Yorcke, 1689. May the 31<sup>st</sup>*

The Councell being mett the L<sup>t</sup> Gouvern<sup>r</sup> acquainted the board that most part off the Citty's militia where in rebellion, That noe comands, either from him selfe or their Coll. ware in any ways regarded nor obeyed, That he was credibly informed some off the officers ware the Instigato<sup>r</sup> and Inflamers off it, and therefore desired the Mayor to conveane this afternoone att the Citty hall the Court of Mayor Aldermen Comon Councell and all the military officers of this Citty for to advise with them off this matter off great moment, which accordingly was ordered.

S<sup>d</sup>

V: Cortlandt.

*New Yorcke, Monday June the 3<sup>d</sup>*

This morning the Gouvernour and Councell being mett, a message was brought by Capt. Lodwick thatt an expresse was come from Long Island reporting that foure or five ships ware seen in the Bay Severall messengers being sent to find out said expresse to appeare before the Councell, yett was not to be found. Immediately thereupon Capt. Jacob Laisler comanding in the fortt gave the sign off an alarm by firing off guns and beat of drums. Capt Lodwicke in the behalfe off some of the other Captaines came and desired Coll. Bayard that all would be pleased to give his comands to the respective Captaines to appeare in armes for without his orders none would appear.

Coll. Bayard made answer that he thought it not safe for him to appear in armes otherwise then a private soldier. Since his comands as well by officers and soldiers had been soe often disobeyed and the gouvernement not being in state to support his comission whilst the fort was detained from the Leften<sup>t</sup> gouvernor by force.

Whereupon the Leften<sup>t</sup> Gouverno<sup>r</sup> and Councell gave order to the Colonell since an allarme was made, and not knowing otherwise but an ennemy was approaching and to lett the people see that we where redly to defend the place to the utmost, and since the Captaines refused

to appeare in arms without his comands. That said Collonell should act in this conjuncture by vertue off his comission as Collonell of the Regiment and give suitable orders accordingly.

*New Yorcke, Teusday the 4<sup>th</sup>*

Collonell Bayard gave an acc<sup>t</sup> to the Councell in what manner most part of the soldiers of Capt. Murville, Capt. de Peyster, Capt. Lodwick and Capt. de Bruyn on yesterday being in armes att the place off Parade before the fort had been disobedient to the comands off their said officers and in a rebellious manner left their said officers, went to the fort to side with Capt. Layster and committed insufferable insolences.

Thatt M<sup>r</sup> Dischington was arrived with his sloop from Barbadoes, was att his landing not suffered to speake to any person being forced by a file off musquetecrs to goe into the fort, and his gasetts, &c, taken from him.

That Nicolas Gerrits arriving alsoe from Barbadoes (bringing the first certaine news that the most illustrious prince William off Orange and princess Mary ware proclaimed att Barbadoes King and queen of England, &c, which alsoo was confirmed by a gasette off their being proclaimed in London) was served in like manner.

That they having intelligence thatt Phillip French a marchant who lately arrived from England to Boston would be here this night by land. A file of musquetteirs was sent by the Capt. off the fort about a mile out of the towne to seize and bring him into the fort, which accordingly was done.

That Nicolas de la Plyne arriving from Boston in his vessel was served in like manner, all the letters he brought demanded, and two letters directed to the Major Cortlandt broke open and read in the fort and soe sent him.

Coll. Bayard made his complaint that being about some business att the custome house Capt. Layslers came in, and by filthy and scurrilous expressions called him over and over You a Coll. off a tirannicall power, with severall other threatning words, that he would see him hanged &c.

The said Coll. Bayard acquainted the Councell alsoo that by the instigation off said Laisler the mabble was sett an and so invetteritt against him because he would not take the peoples part against the Leften<sup>t</sup> Gouvernour, That by very credible hands he was informed that he was in great danger to be devoured and his house pulled downe, &c.

*Thursday, the 6<sup>th</sup> of June.*

The Leften<sup>t</sup> Gouvernor and Councell being mett itt was the advice of the Councill that it was most safe for the Leften<sup>t</sup> Gouvernour to depart for England by the first ship, for to give an account of the desperate and deplorable state of the government, and to pray for some immediate release.

Resolved, that the Court of Mayor, Aldermen and Comon Councill be conveaned and to desire their opinions whether itt be not advisable to send to the severall Captaines off the Citty, or such off them as have encouraged the rebellion of the people, and to protest against them for all the losses, damages, detriments, and brood-heads that shall or may arrize by occasion of s<sup>d</sup> rebellion and in particular, viz:

Imprimis. For the detaineing off the Fort James from the L<sup>t</sup>. Gouvernor.

Item. For their suffering the standing melitia to be disbanded.

Item. For the assaulting off the sheriffe off this citty and county.

Item. For suffering severall off his now Majesties protestant subjects to be assaulted being threatned and grossly abused by themselves and their soldiers.

Item. For enjoyning the Constables without any consent off the civill gouvernement to execute the commands off the militia.

Item. For detaining the moneys belonging to the gouvernement and country being locked up in a chest in the Lt. Gouvernors roome amounting to the sume of seaven hundred seaventy three pounds twelff shillings.

Item. For disobeying the lawfull comands off the civill magistrates.

Item. For forcing all masters of vessells and travellers by a file off musqueteers att their arrivall to be brought before them, and not before the cheeff majestrates as the Law directs.

Item. For seizing and opening of the Mayors letters and reading off them; and for severall other insolencies and injuries committed ag<sup>t</sup> the comon peace and knowne Laws off the gouvernement, &c.

The Court off Mayor, Aldermen and Comon Councill was conveyaned accordingly.

*New Yorcke, 1689. June the 10<sup>th</sup>*

The Leftenant Gouvernor & Councill being to gether, Mr Plowman &<sup>c</sup> appeareing, The L<sup>t</sup> Gouvernor acquainted him off his design to goe for England, theirfore recommending him to observe and follow his comission and Instructions. And the gentlemen off the Councill are alsoo desired to bee aiding and assisting therein.

Itt is further resolved that the three gentlemen off the Councill dispose off the Kings Barcke, woodboat and pinace, either by sale or hire as they shall see cause since the same ley upon decay.

Upon the advice of the Councill the 6<sup>th</sup> inst, The Leften<sup>t</sup> Gouvernor declared to the Councill his being resolved to departt for England. Whereupon two letters ware prepared from the Councill to give an account off the state of the country, one to the right honorable the Secretary of state and one to the honorable the Secretary of Plantations with the Copys off the minutts off Councill, &c., which was accordingly done.

The Leftent. Gouvernour gave his hearty thancks to the gentlemen off the Councill for the care trouble and assistance in the management off the affaires off the gouvernement in those troublesome times and desired their continuation therein after his departure and in particular to his Excell<sup>ty</sup> S<sup>r</sup> Edmond Andros. And that they would not be wanting to give by all occasions suitable

advise off whatt occurs to the Secretary off State and Secretary off Plantations office, and whatt Letters be sent to himself to himself, to direct them to either of their offices and lastly that the gentlemen off the Councell will be pleased to call the Collector to an Acc<sup>t</sup> for all the revenues from time to time and to receive the moneys soe collected by him; for which their receipt shall be unto the said Collector a sufficient discharge. The said gentlemen of the Councell securing the said monnys till further orders from his Majesty.

This is a true copy off the Minutts off Councell containinge sixty seaven pages.

Attested by mee,

S. V: Cortlandt, Secry.

*Indorsed:* N. York, 1689.

Proceedings of the Councill from the 1<sup>st</sup> of March to y<sup>e</sup> 11<sup>th</sup> of June.

Rec<sup>d</sup> 29. August 168—.

<sup>p</sup> Capt. Nicholson.

PROCEEDINGS OF Y<sup>e</sup> COUNCILL, MAGISTRATES AND OFFICERS, &c, FROM THE 27 OF APRILL TO THE 6 JUNE.

Citty of New Yorcke. Att a Generall Meeting held att the Citty Hall within said Citty on Saturday the 27<sup>th</sup> day of Aprill A<sup>o</sup> 1689.

P<sup>r</sup>sntt:

His Hono<sup>r</sup> the Liev<sup>tt</sup> Governo<sup>r</sup>

S. V. Cortlandt, Esq<sup>r</sup> Mayo<sup>r</sup>

Frederick Phillips, Esq<sup>r</sup>

Coll<sup>o</sup> Nicol. Bayard,

} of the Councell.

{

John Lawrence

Francis Rombouts

Wm. Merritt

Tho: Crundall

Polus Richards

Joha<sup>n</sup>es Kipp

} Ald<sup>r</sup>men

Balthus Bayard	}	Comon Councill
Ant <sup>o</sup> D. Mill		
Theunis Dekey		
Peter D. Lanoy		
Maj <sup>or</sup> Nich. D. Meyer	}	Military Officers
Cap <sup>tt</sup> Gab <sup>ll</sup> Munviell		
Abr <sup>m</sup> Dpeyster		
Jacob Leisler		
John D. Browne		
Charles Lodwick		

His Hono<sup>r</sup> proposing to this Board that they take what care they can for y<sup>e</sup> safety of this place in regard of the late news from Boston and supposed Invasion of the French.

This Board thereupon unanimously agreeing that the Citty be forthwith fortified.

It is voted that Aldrman Tho: Crundall and Joha<sup>n</sup>es Kipp Cap<sup>tt</sup> Abr<sup>m</sup> Dpeyster Cap<sup>tt</sup> Jacob Leisler, M<sup>r</sup> Balth: Bayard and M<sup>r</sup> Peter De Lanoy view the severall places about the Citty and to see where it may be most necessary towrds fortifying the same makeing their returne thereof on Munday next by nine of the clock.

His Hono<sup>r</sup> proposing to this Board whether it be not expedient for the more security of the fort since the present garrison is but a very small number that some part of the Citty militia keep the Guard in the fort w<sup>ch</sup> was agreed on and thankfully accepted of by this Board as being a meanes which undoubtedly would remove all the jealousies of the people, and thereupon Coll<sup>o</sup> Bayard was recommended to give suitable orders accordingly.

Citty of New Yorke. Att a General meeting held att the Citty Hall within said Citty on Munday the 29<sup>th</sup> day of April A<sup>o</sup> 1689.

Psn<sup>tt</sup>

His Hon<sup>r</sup>. the Liev<sup>nt</sup>. Governor  
Stephanus Van Cortlandt Esq<sup>r</sup> Mayo<sup>r</sup>



Frederick Phillips, Esq<sup>r</sup>.

Coll. Nichol : Bayard

John Lawrence

Francis Romboult

Wm. Merritt

Tho : Crundall

Polus Richards

Johañes Kip

Balth : Bayard

Ant<sup>o</sup>. D. Mills

Theunis Dekey

Peter D Lanoy

Majo<sup>r</sup> Nich. D. Meyer

Cap<sup>t</sup> G. Munviell

Abr<sup>m</sup> Dpeyster

Jacob Leisler

John D. Browne

Charles Lodwick

Ald'men

Comon Council

Military Officers.

Ald'man Tho: Crundall & Johañes Kipp Cap<sup>t</sup> Abr<sup>m</sup> Dpeyster Cap<sup>t</sup> Jacob Leisler, M<sup>r</sup> Balthus Bayard, and Mr. Peter D Lanoy makeing their returne according to the order last Court five of them do think it very necessary that the fortifications bee according to the bounds of the ancient fortifications the other person being Cap<sup>t</sup>. Abr<sup>m</sup> Depeyster doth think fitt that the fortification bee according to the later bounds layd out being somewhat further His Hono<sup>r</sup> proposeing that the Revenue now comeing be imployed for the Fortifying of this Citty

w<sup>ch</sup> was by this board approved of and thankfully accepted.

Ordered, that Ald'man John Lawrence Wm Merritt, M<sup>r</sup> Theunis Dekey and Peter D Lanoy doe take the number of the Gunns and where most convenient to be placed makeing their returne on Fryday morneing by nine of y<sup>e</sup> Clock.

Citty of New Yorke. Att a General meeting held att the Citty Hall within said Citty on Wednesday the first day of May A<sup>o</sup>. 1689.

Psntt:

His Hono<sup>r</sup> the Liev<sup>tt</sup> Governo<sup>r</sup>  
 S. V. Cortlandt, Esq<sup>r</sup> Mayo<sup>r</sup>  
 Frederick Phillips, Esq<sup>r</sup>.  
 Coll<sup>o</sup> Nicol: Bayard,

Absent	John Lawrence	}
	Francis Rombouts	
	Polus Richards	
	Wm: Merritt	
	Tho Crundall	
	Johannes Kipp	
	Balthus Bayard	
	Anto. D. Mill	
	Theunis Dekey	
Peter D. Lanoy	}	

Ordered, that the former Order about the Indians be renewed and the sheriffe his Dep<sup>y</sup> and Constables to see the same put in execu<sup>co</sup>n.

It being put to the vote it is ordered by this Board that no Rume be sould within this Citty & County to the Indians untill further Order.

Citty of New Yorke. Att a Generall Meeting held att the Citty Hall within said Citty on Fryday the third day of May A<sup>o</sup>. 1689.

Psntt:

His Hono<sup>r</sup>. the Liev<sup>tt</sup> Governo<sup>r</sup>  
 Steph<sup>s</sup>. V. Cortlandt, Esq<sup>r</sup> Mayo<sup>r</sup>  
 Frederick Phillips, Esq.  
 Coll: Nicho: Bayard

John Lawrence	}	Ald <sup>r</sup> men
Francis Rombouts		
Polus Richards,		
W <sup>m</sup> Merritt		
Balthus Bayard		
Ant <sup>o</sup> D. Mill	}	Co <sup>m</sup> on Councill.
Theunis Dekey		
Peter D. Lanoy		

Vpon the complaint of John Merritt, & Frederick Symonse against some Indians that made severall shott at them in the Field. The Indians being examined were checkt & forbidd drinking of Rūme or to shoote their guñs any where nigh Towne.

Ald'man John Lawrence, Wm. Merritt M<sup>r</sup> Theunis Dekey and Peter D Lanoy makeing their returne according to a former Order doe find about this Citty 17 Gunns without carriages and think it most convenient that four of them be placed against the Widdow Richardsons three to be placed on a platt forme without the Batterie at the Watter gate to be placed vnder the fort and three or four to be placed on the Wharfe by Coll<sup>o</sup> Dongan's House, the other Guñ : or two on the Wharfe nigh the State house.

Ordered that Peter King Andries Meyer, & John Meyer carpenters Suert Olferts Derrick Vanderburgh & Franse Vander Coope M<sup>a</sup>sons are appointed to view the places for to make the platt formes makeing their returne what planks may be wanting or ought elce to be finishing of the same their report to be made on Munday morneing next.

Citty of New Yorke. Att a Generall meeting held att the Citty Hall within said Citty on Munday the 6<sup>o</sup> day of May A.<sup>o</sup> 1689.

Psntt.

His Hono<sup>r</sup> the Liev<sup>ts</sup> Governo<sup>r</sup>

Steph<sup>s</sup> V: Cortlandt, Esq<sup>r</sup> Mayo<sup>r</sup>

Frederick Phillips, Esq<sup>r</sup>

Coll<sup>o</sup> Nicol. Bayard.

John Lawrence

Francis Rombouts

Polus Richards

Tho: Crundall

Wm. Merritt

Joha<sup>n</sup>es Kipp

} Ald'men

Balth: Bayard	}	Comon Councill.
Theunis Dekey		
Ant <sup>o</sup> D. Mill		
Peter D <sup>e</sup> Lanoy		
Cap <sup>t</sup> Gab <sup>l</sup> Munviells		
Abr. <sup>m</sup> Dpeyster		
Jacob Leisler	}	Military Officers.
John D. Browne		
Charles Lodwick		
Liev <sup>t</sup> Henry Cuyler		
Isaac Van Vlecq		
John Haynes		
Hanns Keerslee		
Ensig <sup>n</sup> John Dpeyster		
Sam <sup>l</sup> Bayard	}	
Isaac D Riemer		

M<sup>r</sup>: Peter King Andries Meyer & John Meyer Carpenters Suert Olferts Derrick Vandenburg & Franse Vander Coope Masons makeing their returne according to their Order last Court doe find wanting for the fortifying the Citty 300 ton: of Line 80 ps. of Timber for posts and beames 12 foott Long 8 a 9 Inches 12000 Stockadoes for fillers for the batteries 6 ps. of Timber 20 foott long for beames 8 a 9 inches 100 Sleepers for the platt formes 2000 of 2 Inch planks for y<sup>e</sup> platt formes eleven p<sup>r</sup> of wheeles for the Carriages 10 foott long 14 inches broade, for 6 stiepe Carriages 7 of 4 Inch planks 10 foott long 2 foott broad 4000 Stockadoes for the brest worke 6 foott long 9 Inches att the boote 6 ps. of Timber for the Gates 15 foott long 12 Inches square 500 foott of 2 Inch planks 12 foott long for the Gates.

An Order for advanceing money out of the late Tax for the souldiers sent up to Albany for to pay the arrears due to the respective private soldiers now passed this Board they all subscribing thereto except M<sup>r</sup>: Peter D<sup>e</sup> Lanoy, John Haynes, John Dpeyster & Isaac D Riemer.

An Order that y<sup>e</sup> Revenue be employed for the fortifying of this City now passed this Board, they subscribing thereto except Cap<sup>t</sup>. Abr<sup>m</sup>. Dpeyster, Cap<sup>t</sup>. Charles Lodwick, Cap<sup>t</sup>. Jacob Leisler, M<sup>r</sup> Peter D Lanoy, M<sup>r</sup> John Haynes & M<sup>r</sup> John Depeyster, Frederick Phillips, Esq<sup>r</sup>. Ald<sup>r</sup>man Tho : Crundall, M<sup>r</sup>. Theunis Dekey & Capt. John D. Browne are appointed a Committee for receiving the said revenue for said vse.

Coll<sup>o</sup>. Nicol Bayard Ald<sup>r</sup>man Wm. Merritt Peter D<sup>r</sup> Lanoy & Majo<sup>r</sup>. D. Meyer are appointed a Com<sup>o</sup>mittee to provide the materials for the fortifications.

Coll : Nicol : Bayard Ald<sup>r</sup>man Francis Rombouts M<sup>r</sup>. Balthus Bayard & M<sup>r</sup> Isaac Van Vlecq are appointed a Com<sup>o</sup>mittee to inspect y<sup>e</sup> Acco<sup>ts</sup> and Ticketts of the Souldiers.

Ordered that the Proclamation for fortifying the Citty be forthwith published and copyes thereof put vp att the State House and att the bridge.

The Order also for imploying the revenue be forthwith published & copyes thereof put up att the State house and att the Bridge.

Citty of New Yorke. Att a General Meeting held att the Citty Hall within said Citty on Fryday the Tenth day of May, A<sup>o</sup> 1689.

Psntt:

His Hono<sup>r</sup> the Liev<sup>nt</sup> Governo<sup>r</sup>  
 Steph. V. Cortlandt, Esq. Mayo<sup>r</sup>  
 Frederick Phillips, Esq.  
 Coll<sup>o</sup>. Nicol. Bayard.

John Lawrence  
 Francis Rombouts  
 Polus Richards  
 W<sup>m</sup>. Merritt

} Ald<sup>r</sup>men

Johanes Kipp  
 Tho : Crundall  
 Balth. Bayard  
 Anto : D. Mill  
 Theunis Dekey  
 Peter D<sup>r</sup> Lanoy

} Com<sup>o</sup>n Councill

Maj <sup>r</sup> Nich D. Meyer	}	Military Officers.
Cap <sup>t</sup> Gab <sup>l</sup> Munviell		
Abr <sup>m</sup> D. Peyster		
Jacob Leisler		
John D. Browne		
Charles Lodwick		
Liev <sup>t</sup> Henry Cuyler		
Isaac Van Vlecq		
John Haynes		
Ensig. Sam <sup>l</sup> Bayard		
John Dpeyster		
Isaac D. Riemer		

An Order for defending this place against all for-  
reigne enemyes and suppressing mutinous persons nigh  
us subscribed vnto by this Board, except Cap<sup>t</sup> John D.  
Browne who was absent att the signeing thereof.

This Order to be forthwith published & Coppyes  
thereof put vp att the State house and att the Bridge.

Citty of New Yorke. Att a General Meeting held att  
the Citty Hall within said Citty on Saturday the  
11<sup>o</sup> day of May A<sup>o</sup> 1689.

Psntt :

His Hono<sup>r</sup> the Liev<sup>t</sup> Govern<sup>r</sup>

Steph : V : Cortlandt, Esq<sup>r</sup>. Mayo<sup>r</sup>

Frederick Phillips, Esq<sup>r</sup>.

Coll<sup>o</sup> Nicol : Bayard.

John Lawrence

Francis Rombouts

Polus Richards

Wm. Merritt

Johanes Kipp

Thō : Crundall

Balth. Bayard

Anto. D. Mill,

Theunis Dekey

Peter D<sup>e</sup> Lanoy

Majo<sup>r</sup> Nich : D. Meyer

Ald<sup>r</sup>men

Comon Councill,

Cap<sup>t</sup>: Gab<sup>l</sup>. Munviell  
 Abr<sup>m</sup> D Peyster  
 Jacob Leisler  
 John D. Browne  
 Charles Lodwick  
 Liev<sup>t</sup>: Henry Cuyler  
 Isaac Van Vlecq  
 John Haynes  
 Hans Keerstee  
 Ensig<sup>r</sup>: John D Peyster  
 Sam<sup>l</sup>. Bayard  
 Ab. Isaac D Riemer

M<sup>r</sup> Ebinezar Platt, M<sup>r</sup> Matthew Howell and M<sup>r</sup> John Wheeler of Suffolke County and Cap<sup>t</sup>: John Jackson of Hampstead in Queen's County giving an acco<sup>t</sup>: of the feares and jealousies of the people of the severall Counties on Long Island.

Resolved that a Letter be sent to the severall Counties that they would send up to New Yorke 2 or 3 men of every County whome they shall think most fitt (if they see Cause) to joine with vs in the Comon Councill, and if anything of moment offers to render acco<sup>t</sup>: to their severall counties as they think fitt.

Citty of New Yorke. Att a General Meeting held at the Citty Hall within said Citty on Thursday the 16<sup>e</sup> day of May A<sup>o</sup> Domi 1689.

Psntt:

His Hono<sup>r</sup> the Liev<sup>t</sup>: Governo<sup>r</sup>:

Steph: V: Cortlandt, Esq. Mayo<sup>r</sup>:

Frederick Phillips, Esq.

Coll<sup>o</sup> Nicol. Bayard

John Lawrence

Francis Rombouts

Polus Richards

Tho: Crundall

absent Wm. Merritt

Joha<sup>n</sup>es Kipp

} Ald<sup>r</sup>men

Balth: Bayard	}	Com̄on Council
Ant <sup>o</sup> : D. Mill		
ab: Theunis De Key		
Peter D <sup>e</sup> Lanoy	}	Military Officers
Majo <sup>r</sup> Nich: D: Meyer		
Cap <sup>t</sup> Gab <sup>l</sup> Munviell		
Abr <sup>m</sup> Depeyster	}	Military Officers
Jacob Leisler		
ab. John D. Browne		
Charles Lodwick	}	Military Officers
Liev <sup>t</sup> Henry Cuyler		
John Haynes		
Isaac Van Vlecq,	}	Military Officers
ab: Hanns Keerstee		
Ensig: John Dpeyster		
Sam <sup>l</sup> Bayard	}	Military Officers
ab: Isaac D Riemer		
Cornett Jacob Van Cortlandt	}	

Upon the peticoñ of Cap<sup>t</sup> Ab<sup>m</sup> Dpeyster M<sup>r</sup> Tho: Coker and other the Inhabitants of this Citty that the line for fortifying the said Citty might not ruñ through or before their Lotts of Ground.

The which peticoñ was in debate by this Board and referred till the next sitting for a further consideration therein:

Citty of New-Yorke. Att a Generall meeting held att the Citty Hall within said Citty on Saturday the 18<sup>o</sup> day of May A<sup>o</sup> 1689.

Psntt:

His Hono <sup>r</sup> the Liev <sup>t</sup> : Governo <sup>r</sup> :		
Steph: V: Cortlandt, Esq <sup>r</sup> Mayo <sup>r</sup>		
Coll <sup>o</sup> Nicol: Bayard		
John Lawrence	}	Ald <sup>r</sup> men
Francis Rombouts		
Tho: Crundall		
Wm. Merritt		



Ant <sup>o</sup> D. Mill	}	Comon Council
Theunis DeKey		
Majo <sup>r</sup> Nich. D Meyer	}	Military Officers.
Cap <sup>t</sup> Gab <sup>l</sup> Munviell		
Jacob Leisler		
Abr <sup>m</sup> Dpeyster		
Charles Lodwick		
Corn <sup>t</sup> Jab. V. Cortlandt	}	

Vpon the Rumor of Warr and suppos<sup>d</sup> Invasion of the French

Itt is ordered by this Board that the fortifications for this Citty be layd according to the ancient bounds agreeing with the late order returned by an appointed Comitte from this Board dureing this exigency of time and in case of peace Itt is then the opinion of this Board that the right owners may forthwith remove the same and the materialls belonging to said fortifications to bee returned for the vse of the Citty.

Ordered that the Inhabitants of this Citty concerned in the peticoñ about y<sup>e</sup> fortifications appeare here on Munday by two of y<sup>e</sup> Clock.

Citty of New Yorke. Att a Generall Meeting held att the Citty Hall within said Citty on Munday the 20<sup>th</sup> day of May A<sup>o</sup>. 1689.

Psntt:

His Hono <sup>r</sup> the Liev <sup>t</sup> Governo <sup>r</sup>		
Steph: V: Cortlandt, Esq <sup>r</sup> Mayo <sup>r</sup>		
Frederick Phillips, Esq		
Coll <sup>e</sup> Nicol. Bayard		
John Lawrence	}	Ald <sup>r</sup> men
Francis Rombouts		
Polus Richards		
Johanes Kipp		
Wm. Merritt		
Balth: Bayard	}	Comon Council
Theunis Dekey		

Majo <sup>r</sup> Nich : D Meyer	}	Military Officers
Cap <sup>t</sup> Gab <sup>l</sup> Munviell		
Abr <sup>m</sup> Dpeyster		
Jacob Leisler		
John D. Browne		
Charles Lodwick		
Liev <sup>t</sup> Henry Cuyler		
Isaac Van Vlecq		
Hanns Keerstee		
Ensg <sup>t</sup> Sam <sup>l</sup> Bayard		
Isaac D. Riemer		

Ordered, that Coll<sup>o</sup> Bayard, Ald<sup>r</sup>man W<sup>m</sup> Merritt, Peter D<sup>e</sup>Lanoy and Majo<sup>r</sup> D. Meyer agree with M<sup>r</sup> John Holwell or who elce they shall think convenient to bee engineer.

This Board takeing it into consideracoñ the greatt difficulty for all of them to meet together so often as occasion may require doe think fitt and accordingly orders that a select number of them be made choice of to represent the whole the following persons being by this Board accordingly appointed, viz<sup>t</sup>:

Francis Rombouts	}	Ald <sup>r</sup> men
Wm. Merritt		
Theunis Dekey	}	Comon Councill
Peter D <sup>e</sup> Lanoy		
Majo <sup>r</sup> Nich. D Meyer		
Cap <sup>t</sup> Gab <sup>l</sup> Munviell	}	Military Officers
Liev <sup>t</sup> John Haynes		
Ensig Isaac D. Riemer		

City of New Yorke. Att a Generall Meeting held at the Citty Hall within said Citty on Wednesday the 22<sup>d</sup> day of May A<sup>o</sup> 1689.

Psntt:

His Hono<sup>r</sup> the Liev<sup>t</sup> Governo<sup>r</sup>  
 Steph : V : Cortlandt, Esq<sup>r</sup> Mayo<sup>r</sup>  
 Frederick Phillips, Esq<sup>r</sup>  
 Coll<sup>o</sup> Nicol : Bayard

	John Laurence	}	Ald'men
	Francis Rombouts		
	Wm : Merritt		
	Tho : Crundall		
	Polus Richards		
	Johanes Kipp	}	Comon Council
	Peter D <sup>e</sup> Lanoy		
	Balth : Bayard		
	Theunis Dekey		
Major	Nich. D Meyer		
Cap <sup>n</sup>	Gab <sup>n</sup> Munviell	}	Military Officers.
	Jacob Leisler		
	Abr <sup>m</sup> Dpeyster		
	Charles Lodwick		
Liev <sup>n</sup>	John Haynes		
	Isaac Van Vlecq	}	
	Hanns Keerstee		
Corn <sup>n</sup>	Jacob V. Cortlandt		
Ensg <sup>r</sup>	Sam <sup>n</sup> Bayard		
	John Dpeyster		
	Isaac D. Riemer		

A Paper was brought to this Board by Coll<sup>o</sup> Bayard which was delivered vnto him last night in the p'sence of the Liev<sup>n</sup> Governo<sup>r</sup> by severall of the Inhabitants of this Towne containeing severall jealousies and demonstrations of their disturbed minds.

Ordered that some of the people that delivered the Peticoñ to Coll: Bayard be sent for who refused to appear desireing (by the Marshall) to have an answer upon their Peticoñ in writing or their Peticoñ returned to them: Whereupon it was ordered that the Mayo<sup>r</sup> Steph<sup>t</sup> Van Cortlandt, Esq<sup>r</sup> should goe to them to desire them to sign their peticoñ or send some of them to discourse the matter or otherwise that the said Cortlandt should enquire of them their intention who accordingly went and gave them satisfaction of almost all their desires except the last article concerning Coll<sup>o</sup> Dongan who they desired might come and live in Towne as formerly

and not to depart this Government; But notwithstanding desired an answer in writeing or their peticoñ returned.

Ordered, that Capt.<sup>s</sup> Leisler and Cap.<sup>s</sup> Lodwick returne the peticoñ to the people and answer them verbally that two or three messengers shall be sent to Coll. Dongan for to desire him to returne to this place to remove all jealousies of his departure provided they doe promise vpon Oath to their respective Captaines that they will doe no harme to his person.

As to the other grievances all Imaginable care shall be taken to satisfaction.

Citty of New Yorke. Att a Generall Meeting held att the Citty Hall within said Citty on Fryday the 24<sup>th</sup> day of May A.<sup>o</sup> 1689.

Psntt:

His Hono<sup>r</sup> the Liev.<sup>t</sup> Governo<sup>r</sup>

Steph: V: Cortlandt, Esq. Mayor

Frederick Phillips, Esq<sup>r</sup>

Coll.<sup>o</sup> Nicol: Bayard.

John Lawrence

Francis Rombouts

Polus Richards

Tho: Crundall

Joha<sup>n</sup>es Kipp

Wm. Merritt

Balthus Bayard

Peter D<sup>e</sup>Lanoy

Theunis Dekey

Cap.<sup>s</sup> Gab.<sup>l</sup> Munviell

Charles Lodwick

John D. Browne

Liev.<sup>t</sup> Isaac Van Vlecq

Corn.<sup>t</sup> Jab: V. Cortlandt

Ensig. John Dpeyster

Isaac D Riemer

Ald<sup>'</sup>men

Comon Councill

Military Officers.

The Letter from the Inhabitants of Albany dated the 21<sup>st</sup> day of May A.<sup>o</sup> 1689 by M<sup>r</sup> Robert Livingston

being read att this Board acquainting that the Traders of Ottowaw might have a Comission or Letters of mark from this place to warr with the French att Cannadie.

Ordered, that they are wrote to in answer mentioning the approbacoñ this Board hath of their readyness and forwardness therein, but withall requireing and comāding they they would desist till further order from England.

Citty of New Yorke. Att a Generall Meeting held att the Citty Hall within said Citty on Fryday the 31<sup>th</sup> day of May A<sup>o</sup> 1689.

Psntt.

His Hono<sup>r</sup> the Liev<sup>t</sup> Governo<sup>r</sup>

S. V. Cortlandt, Esq<sup>r</sup> Mayor

Frederick Phillips, Esq.

Coll<sup>o</sup> Nicol: Bayard

John Lawrence

Francis Rombouts

Polus Richards

Thō: Crundall

Johañes Kipp

Wm: Merritt

Peter D<sup>o</sup> Lanoy.

Cap<sup>t</sup> Gab<sup>l</sup> Munviell

Abr<sup>m</sup> D Peyster

Charles Lodwick

Liev<sup>t</sup> John Haynes

Isaac Van Vlecq

Hanns Keerstee

Cor<sup>t</sup> J: V: Cortlandt

Liev<sup>t</sup> Henry Cuyler

Ens<sup>g</sup> John D Peyster

Isaac D. Riemer

Ald<sup>r</sup>men

Comon Councill.

Military Officers.

Vpon His Hono<sup>r</sup> declaring to this Board y<sup>e</sup> factiousness and rebelliousness of divers the Inhabitants of this place John Lawrence, William Merritt Ald<sup>r</sup>men, and

Captt. Gab<sup>l</sup>. Munviell doe in p'sence of this Board openly protest against any such factious and rebellious people, but do declare to the vttermost of their powers they will stand vp for the good of the Government and the Crowne of England the rest of the bord resolveing the same.

Collo. Bayard declareing of the Rumors and jealousies of the people concerning six or seaven private soldiers lately come to this Citty from Boston.

His Hono<sup>r</sup> in answer proposeth to this Board that any of them please to appoint lodging for them where they shall think most fitt and that then he would be carefull they might not want which was agreed on and Coll<sup>o</sup> Bayard desired to provide Quarter for them.

Ordered, that Ald<sup>r</sup>man Tho : Crundall, and Mr. John Haynes make inquiry of the severall Inhabitants of this Citty what Quantity of Gunpowder they have within their severall houses or elcewhere making their returne to the Mayo<sup>r</sup> by nine of the clock tomorrow morneing and in the meantime that none bee shipt off till further Order.

Citty of New Yorke. Att a general meeting held att the Citty Hall within said Citty on Fryday in the evening being the 31<sup>th</sup> of May, A<sup>o</sup> 1689.

Psntt :

His Hono<sup>r</sup> the Liev<sup>tt</sup>. Governo<sup>r</sup>

S. V. Cortlandt, Esq<sup>r</sup> Mayo<sup>r</sup>

Frederick Phillips, Esq<sup>r</sup>.

Coll<sup>o</sup> Nicol. Bayard

John Lawrence

Francis Rombouts

Wm. Merritt

Tho : Crundall

Joha<sup>n</sup>es Kipp

Peter D Lanoy,

Cap<sup>t</sup>. Gab<sup>l</sup>. Munviell

Abr<sup>m</sup>. Dpeyster

John D. Browne

} Ald<sup>r</sup>men

Comon Councill

Leiv<sup>tt</sup> John Haynes  
 Hanns Keerstee  
 Cor<sup>tt</sup> J. V. Cortlandt

The Inhabitants of New Yorke ryseing this afternoone have taken possession of the Fortt, disarmed the souldiers, and came with a squadron armed in Courtt demanding the keys of the Garrison and with force would and will have them they forced Cap<sup>tt</sup> Lodwick to come into the Towne hall and came there armed demanding the keys againe and would have them delivered to Cap<sup>tt</sup> Lodwick, the Liev<sup>tt</sup> Governo<sup>r</sup> seeing himself forced asked the advice of this Board what to doe in this confused businesse.

This Board for to hinder and prevent bloodshed and further mischief and for endeavouring to quiett the minds of the people think it best considering they being forced to itt to let them have the keys.

His Hono<sup>r</sup> proposeing to this Board what way or whether any meanes may be found to reduce this people from their riseing or what other method may bee taken to bring them to their former obedience, This Board are of opinion that there is noe way to reduce them by force but their advice is, since they are rise on their owne heads without any aid that they be lett alone for some time. His Hono<sup>r</sup> also proposeing what might be most fitting to be done with the money in the Fortt.

It is by this Board thought fitt itt bee removed into the House of Frederick Phillips, Esq<sup>r</sup>:

It is desired by his Hono<sup>r</sup> that no officers head these men.

Citty of New Yorke. Att a General meeting held att the Mayo<sup>r</sup> house Steph: Van Courtlandt Esq<sup>r</sup>: on Thursday the 6<sup>o</sup> day of June A<sup>o</sup> 1689.

Psntt:

His Hono<sup>r</sup> the Liev<sup>tt</sup> Governo<sup>r</sup>  
 S. V. Cortlandt, Esq<sup>r</sup> Mayor

Frederick Phillips, Esq<sup>r</sup>  
Coll<sup>o</sup> Nicol. Bayard.

John Lawrence	} Ald <sup>r</sup> men.
Polus Richards	
Wm. Merritt	
Johannes Kip	

Whereas those persons now in possession of the Fort have caused men to goe armed in a boate upon the arrivall of a vessell and forced the persons coming ashore to goe up to said Fortt deliver their Letters breaking them open particularly two letters of the May<sup>r</sup> S. V. Cortlandt, Esq<sup>r</sup>. As also have caused a scentry to be kept by land about one mile from the Towne and there caused people to be stopt particularly one M<sup>r</sup> Phillip French who came from England by way of Boston and other Insolencies have Comitted

Whereupon the Governo<sup>r</sup> and Council have thought fitt and thereupon

Ordered, that Ald<sup>r</sup>man John Lawrence and W<sup>m</sup> Merritt do visitt the severall Capitaines desireing their company to this Board.

Cap<sup>t</sup>. Jacob Leisler being desired returned answer he would not come neither to the Govenor<sup>r</sup> Council Mayo<sup>r</sup> or Ald<sup>r</sup>men nor had not any thing more to doe with them.

Cap<sup>t</sup>. John D. Browne desired to be excused being upon y<sup>e</sup> Guard but after his guard was over would waite upon them.

Cap<sup>t</sup>. Gab<sup>l</sup> Munviell was very willing to come but was so indisposed could not, but if y<sup>e</sup> Coll<sup>o</sup> pleased to send two or three words he would freely answer thereto.

Cap<sup>t</sup>. Abr<sup>m</sup> Dpeyster and Cap<sup>t</sup>. Charles Lodwick did returne answer they would send word whether they come or not.

This Board haveing waited about an houre and no answer coming from Cap<sup>t</sup> Dpeyster and Cap<sup>t</sup>. Lodwick

Whereupon Itt is by this Board resolved that a pro-



test be drawne against all the Captaines except Gab<sup>l</sup>. Munviell.

This Booke cont. 24 pages from foll. 1 to 24 is a true copy from the Originall Minutes of the Generall meetings of the Liev<sup>ts</sup>. Governo<sup>r</sup> & Councell Mayo<sup>r</sup> Ald<sup>r</sup>men Comon Councill and Military Officers att the Citty Hall within the Citty of New Yorke.

Attested this 10<sup>th</sup> day of June A<sup>o</sup> 1689.

p J. Nicholls, Towne. Cl.

*Indorsed* N. York 1689.

Proceedings of y<sup>e</sup> Councill, Magistrates and Officers, &c. from the 27<sup>th</sup> of April to the 6 June.

Cap. Nicholson. Rec<sup>d</sup> 29 Aug. 1690.

MATHEW PLOWMAN TO THE MARQUIS HALIFAX.

New Yorke the 7<sup>th</sup> June 1689.

May it please youre Lordsh<sup>p</sup>

I was to waite one youre Lordship by recommend of my Lady Eliza<sup>th</sup> Pierepoint to youre Lady for sum Impley at y<sup>e</sup> Custom House when my Lord Rochester was Treasurer; youre Lordship may please to Remember y<sup>e</sup> Lordship's answere was that something had happened betwixt you that youre recommend would stand me in very little stead: After which with long attendance found this place voyde & have his Maj<sup>ty</sup>'s Patent under y<sup>e</sup> Great Seale for Collector of this place which cost upwards of five hundred poundes & not possessed of it above fifteene months coming from my famely and neere sixtee yeares would bee my uter ruin. I married Madam Cartwrighe of Osington's neece: and am qualified to take the oathes of his p<sup>re</sup>sent Majesty Soe hope that your Lordship will bee pleased to give youre assistance to y<sup>e</sup> Lord Treasurer or Comitioners of y<sup>e</sup> Tresury as now it's maneged. A Gentleman of y<sup>e</sup> Temple Mr Andrew Barry and my very good friende will waigh your Lordship's favors in my

behalf: iff any Gov<sup>r</sup> be designed for this must have at leaste two hundred men in garrison to awe theese rebellious Dutchmen which at present followe those at Bostowne y<sup>t</sup> have imprisoned oure Gov<sup>r</sup> S<sup>r</sup> Edmond Andross and taken y<sup>e</sup> com<sup>d</sup> of y<sup>e</sup> forte from our L<sup>t</sup> Gov<sup>r</sup> Capt Nicollson. With Impatience shall attend your Lordships Com<sup>d</sup>. The Customs of this place will maintaine the Garison.

(Corry)

New Yorke the 14<sup>th</sup> August. 1689

May it please your Lordship

Ffearing y<sup>e</sup> letter should mescary wrote to your Lordship y<sup>e</sup> 7 June last and having this opertunity as obleged sende youre Lordship y<sup>e</sup> copy & hints of what occurs in this place since that time upon their taking y<sup>e</sup> Forte in their Custody: which iff Capt. Nicollson oure L<sup>t</sup> Gov<sup>r</sup> wood have taken advice in sending for those men at y<sup>e</sup> forte at Albany & joyned them with theese few here would have prevented y<sup>e</sup> burgars cuming in but like Dutchmen once their foot then their whole Bodies & now arbitrary: y<sup>e</sup> Sivill powar thay doe what they please with & for his Maj<sup>ties</sup> revenues in Generall absolutely deny pay<sup>t</sup> and noe remedy but wors and worse untill a Governour comes amongst us which God grant sudinly once more to put us in order: Sir Ed: Andrewes as now cumes y<sup>e</sup> newes made his escape from y<sup>e</sup> Castle at Boston to Roade Island intending for England but surprised, wheather they will keepe or send him back to Bostowne was then in Dispute: to the Eastward of Bostowne the Indians are very numerous and make great sloughter amongst y<sup>e</sup> Christians by hole famelies iff not prevented will be of ill Consequence; what I prayed your Lordshipp for in my last as for my Employ now humbly intreate your Lordship's favor in its Continuance where I doubt not but y<sup>t</sup> youre Lordship shall heere of my Compliance in my duty as an honest man ought. M<sup>r</sup> Blathwaite hath acc<sup>o</sup> from time of my trance-

actions & doubt not but to Satisfacktion ; Youre Lordship's Com<sup>ds</sup> I shall atend & am

Your Lordship's most  
faithful & humble Serv<sup>t</sup>

MATHEW PLOWMAN

Copied from the original Letter which  
had been Sealed and was superscribed

To Marquis Halifax  
Lord p<sup>r</sup>sident of his maj<sup>ties</sup> preve  
Counsell at Whitehall—

HENRY CUYLER'S DEPOSITION CONCERNING GOVERNOR  
NICHOLSON.

HENRY CUYLER Leu<sup>t</sup> to y<sup>e</sup> Company off Cap<sup>n</sup> Abr<sup>m</sup> DePeyster aged about 52 years deposed that on y<sup>e</sup> 30 day off May last past he commanding half a Company off the trained bands in the fort off New Yorke gave order to one his Corp<sup>n</sup> to place a centinell at a certain sally porte in the s<sup>d</sup> fort but that the s<sup>d</sup> Corporall returning declared to him the depon<sup>t</sup> that the Corporall of the King's Souldiers in pay in the said fort would not suffer him to place a centinell there and that afterwards the Leu<sup>t</sup> Governor Cap<sup>n</sup> Nicholson the then commander in chief returning to the fort sent for him the said deponent to come to him in his Chamber in the s<sup>d</sup> fort which the s<sup>d</sup> depon<sup>t</sup> Immediatly did and desired his corporall Hendrick Jacobse to goe along with him because the s<sup>d</sup> Corporall could speak better English and that as soon as he the said deponent did come into the chamber he called for his s<sup>d</sup> Corporall who followed him to come into the s<sup>d</sup> Chamber which he did and that as soone as the Leu<sup>t</sup> Governor saw the said Corporall he rose up in a passion and sayd to the s<sup>d</sup> Corp<sup>n</sup> you rascall what doe you here ? that the said Corp<sup>n</sup> returned answer that he came to be interpreter to him the said deponent wherupon the s<sup>d</sup> Leu<sup>t</sup> Gov<sup>r</sup> tooke down a Pistoll which hung by the wall and threatned to shoote him the s<sup>d</sup> Corp<sup>n</sup> and drove him out of the room and that afterwards the said deponent remaining still in y<sup>e</sup> roome allone with the s<sup>d</sup> Leut Gov<sup>r</sup> the said Leut. Gov<sup>r</sup> told him the s<sup>d</sup>

depon<sup>t</sup> that there was so many rogues in the Town that he was not sure of his Life nor to walke the streets and that he the said Leu<sup>t</sup> Gov<sup>r</sup> said that before it would goe longer after this manner he would sett the town in fyre and further sayeth not.

Signed Luy<sup>t</sup> HENRY CUYLER.

Sworne before me this 10<sup>th</sup> of June, 1689 New Yorke

Signed SAMUEL MULFORD Justice of y<sup>e</sup> Peace.

#### BY-LAWS OF CAPTIAN LODWICK'S COMPANY OF SOLDIERS.

*Translated from the original in Dutch, by S. Aloffsen, Esq.*

We the undersigned Officers and Soldiers in the Company under the command of Capt. Charles Lodwick agree with one heart and consent to these afterfollowing orders to be observed by every one of us when under arms.

1. We all promise and bind ourselves to be faithful to our Sovereign King William and Queen Mary.

2. We all promise and bind ourselves that upon warning of our officers, and upon the first beat of drum we will immediately present ourselves at our rendezvouz to stand our guard, or send somebody else in our stead.

3. Those of us be they officers or privates who shall refuse to obey the lawful commands of their superior officers shall pay for the first fault one piece of eight, and for the second time two pieces of eight, and afterward at the discretion of the officers.

4. He who shall absent himself from guard or rendezvous without having received lawful excuse or furlough shall pay for this fault one half piece of eight.

5. He who shall come drunk upon the guard shall pay two quarts (two little quarts).

6. He who upon the guard shall swear or curse or use the name of the Lord in vain shall pay at the discretion of the officers.

7. He who shall go away from the guard or from the Company without furlough shall pay one quart (little

quart) and for every hour he shall so remain away he shall pay one quart (little quart) in addition.

8. He who shall rail at any one or make any distinction in Nationality or otherwise shall pay one quart (little quart).

9. He who shall have been found sleeping standing guard shall pay one half piece of eight, and his gun shall be taken away (from him), until he shall pay it.

10. He who shall draw a sword, threaten or beat any one upon guard shall pay one half piece of eight, and his musket shall be taken away, and further at the discretion of a Court Martial.

11. He who shall not present himself at the rendezvous within half an hour after the drum has gone around without lawful excuse or having obtained permission shall pay as if he had been absent.

All these orders we promise and bind ourselves to keep and maintain, and thereto give our free consent without compulsion that if any one of us should break any of the aforewritten orders we submit ourselves freely to the penalty and request that if any one of us refuses presently to give satisfaction then a sergeant and four privates may take possession of so much of our goods as will make satisfaction, and we declare this to be our willing desire without any force.

It is also by us agreed that if any one of us should be necessitated to go from home, and if he has a furlough under the signature of his Captain or lieutenants he shall only pay one quart for every time he shall be so absent under furlough, unless he shall put another in his place and then he is free.

And these orders are to be continued until we receive further orders and direction from England from our King through a lawful governor or otherwise and not longer.

Witness our hands. In New York, 9 July, 1689.

CHARLES LODWICK, *Cap<sup>t</sup>*

ISAAC VAN VLECQ, *Lt<sup>ieut</sup>*

[This document also bears the signatures and hands of the members of the company, some of which are illegible.]

CHARLES LODWICK'S DEPOSITION CONCERNING GOVERNOR  
NICHOLSON.

I Charles Lodwicke do declare upon my oath that to y<sup>e</sup> best of my memory, I did hear our late Lieut<sup>t</sup> Governor Capt. Nicholson say some time since that we here meaning the Inhabitants of this Government, could but account ourselves as a conquered people, and therefore we could not so much claim rights and privileges as Englishmen in England but that the prince might lawfully govern us by his own will and apoint what laws he pleases among us or words to that effect.

Signed

CHARLES LODWICK.

Sworn this 25th day of July, 1689 in New Yorke before me.

Signed

GERARD BEEKMAN, Justice.

LEISLER'S WARRANT AND INSTRUCTIONS TO JOHANNES PROVOST,  
ETC.

*These two papers are copied from the originals in the same spelling in the Possession of Mr. Gerardus Duyckinck of New York. [Dr SIMPSON.]*

By the Capt Apointed to Secure y<sup>e</sup> Fort in N: Yorke for their majesties William and Mary King & Queen of England, &<sup>ca</sup>

Upon one urgent occasion is dispatched by me Mess. Johannes Provost, Gerrit Hardenberg En Mess Gerrit Deuken for Esopus en Albany with their Majesties Boatt which I hereby Certifey ond all Persons are hierby required in their majesties name to be ayding & assisting to them as there shall be occasion in furnishing them with horses or Boatts in there Journey thither and returning En to lett them passe without any manner of Lett, hindrance or molestation whatsoever given onder myn hand and Sealle in the Fort in N: Yorke 12 off Aug. 1689.

JACOB LEISLER.

[Translated from the Original in Dutch by S. Aloffsen, Esq.]

A 1689 In N. Yorke the 12: Aug.

*Instruction for Mr. Gerrit Hardenbergh and Mr. Gerrit Deuken and Johannes Provost.*

The Package of Letters for the Esopus deliver those to Captain Beekman and Lieutenant Jacob Rutsen.

For Albany to Captain Johannes Wendell and Captain Bleeker. It is necessary at both places to make them well and clearly understand the Interest they have in the protocols and Records which have been carried away which is a mean business and was accomplished only by a conspiracy of the deputies and the recovery from Boston of all or of a part can and ought to be tried for their absence incapacitates us and themselves They ought to acquaint us with all their oppressions for our burghers have declared themselves for them as well as for us, for we who know it but only had heard of it from them have demonstrated by presenting a Petition but the Petitioners have been condemned in a wicked penalty which was executed in a godless manner. Louis Du bois has with my knowledge been obliged to pay 700 Schepel wheat for a patent of his land and was fined because he had not let all his corn rott upon it. The unheard of Imposition concerning the Albany Expedition of not allowing for what had been delivered by force for that Expedition. You must tell them by what wicked Lies and evasions with antedated vouchers and Accounts and abominable Lies de Meyer and several others have tried to make us incapable to repair the King's fort but by urging the Papist Collector upon oath it was found out that it was a forged Account and receipt to blind our eyes.

So that by this oath we have found between 3 a 400 £. money received for Customs and about 400 of the Country's money in the chest 413 £ of the Country's money in the hands of de Mayer which he tries to pilfer from the country and pretends to pay himself for a fictitious debt which he claims to be due to him from Sir

Edmond. 270 £ Country's money still in the hands of the Collector which he pays to his cronies without authority deducting 20 per cent, that we daily find them collecting money which does not belong to them.

Further represent what you may judge necessary. If at the Esopus you should determine to travel by land I agree to pay to them or to others all expenses for horses upon your order—

And if they Resolve to send some deputies ascertain if they will come with you they shall not be obliged to anything farther than what they together with us will approve. I wish you a safe voyage good success and God's Blessing, And remain

Your affectionate friend And Servant

JACOB LEISLER.

STATEMENT, ETC., OF ENSIGN JOOST STOL.

[Translated from the original in Dutch, by S. Alofsen, Esq.]

New York, 1689 the 20 August.

*List of the Papers delivered in the hands of the Ensign Mr. Joost Stol sent to England.*

- No. 1 & 2. An inventory of what was found and made in the fort.
- 3 & 4. A List of the Soldiers in the service of his Majesty and order to appear.
- 5 & 6. A declaration how the powder was and now is.
7. An order to proclaim the King and queen.
8. A Deposition of Hendrick Cuyler.
9. A Deposition of Albert Bos.
10. The printed deposition of Lieutenant *Cuyler* with the declaration and order concerning the matter of putting the fort in security of which a law suit was had with *Nikkelse* [Nicholson].
11. A declaration relating to Allesander Ennis English Preacher.
13. An Abstract of what the Committees have done, upon the order of his majesty.



These above named writings delivered in the hands of the Earl Shrewsbury who had been ordered to me as Commissioner.

14. An account of what happened in New York which at the request of the friends I had had written for but found that I had been ignored therein.—

[15.] A letter to *Mylord Crew*: delivered by the Duke of *Monmouth*.

[16.] A letter to *de gols* (?) delivered in his own hands.

[17.] A letter to his majesty from the Captain of the fort.

[18.] A letter to his majesty in which is the address of the Committee.

By the Earl of Monmouth introduced to his majesty to deliver these letters, to salute his majesty and make known our position; which I have done and delivered the letters into his majesty's own hand and kissed his hands.

[19.] A letter to the four gentlemen: delivered but not opened.

[20.] A letter to M<sup>r</sup> W<sup>m</sup> Wyting delivered into his own hands and found there with him the *Domine of Boston* (Increase Mather) and the son of the Governor of Rhode Island and found them very favorable towards us.

21. Was my instruction which has been well executed and observed.

New York 1690 May 23

Then the paper Sworn before me

P. D LA NOY, *Mayor*.

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SAMUEL PAUL DUFOUR'S DEPOSITION CONCERNING  
MR. RIGGS.

New York Jan<sup>y</sup> 6<sup>th</sup> 1689 | 90.

The Deposition of Mons<sup>r</sup> SAMUEL PAUL DUFOUR aged

twentyfive yeares or thereabouts upon the holy evangelists make oath and saith

That y<sup>e</sup> Deponent being at Plymouth in the beginning of October last or thereabouts in Company with Capt<sup>n</sup> Clerck and Capt<sup>n</sup> Band there was a discourse concerning Mr Griggs his carrying letters from y<sup>e</sup> King over to Boston in New England: Capt<sup>n</sup> Band replied hang him he is but a Pittyfull fellow (meaning said Griggs) I have seen all his direccons all his business is to deliver y<sup>e</sup> letters to them that have y<sup>e</sup> Government and then his business is done (or words to this purpose) which this deponent in few days afterwards acquainted y<sup>e</sup> said Griggs withall who showed me his direccons before Mrs. Grahame saying as soone as he should arrive in Boston he would go to New Yorke in few days and carry y<sup>e</sup> letters directed thither. I y<sup>e</sup> deponent asked him y<sup>e</sup> said Griggs to whom he would deliver them who answered he knew not better than to M<sup>r</sup> Leisler, being he was Governor there.

(Signed)

SAMUEL PAUL DUFOUR

Sworne y<sup>e</sup> date above said in y<sup>e</sup> presence of Lieu<sup>t</sup> Gov<sup>r</sup>  
Jacob Leisler, Peter de la Noy and Samuel Edsall  
Councillors (Signed) JACOB MILBORNE, Sec<sup>y</sup>

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COPY OF RICHARD INGOLDESBY'S COMMISSION.

WILLIAM R.

William and Mary by the Grace of God, King and Queen of England, Scotland, France and Ireland, defenders of the faith, &c. To our Trusty and well beloved Major Richard Ingoldesby, Greeting. Wee reposing especial trust and Confidence in your Loyalty, courage and good Conduct, doe by these presents constitute and appoint you to be Captain of that Company of Foot lately raised for our Service in our Colonie of New York in America, whereof Charles King was late Captain. You are therefore to take the s<sup>d</sup> Comp<sup>y</sup> into your Care and Charge, and duly to exercise as well the Officers

as souldiers thereof in Arms, and to use your best endeavor to keep them in order and discipline; and we hereby command them to obey you as their Captain, and you to observe and follow such orders and directions from time to time as you shall receive from us, Our Governor of New York now and for the time being, or any other your superior officer according to the rules and discipline of warr, in pursuance of the trust we hereby repose in you. Given at our Court at Kensington the 10<sup>th</sup> day of September, 1690, in the second year of our reigne.

By his Ma<sup>ty</sup>s Command  
NOTTINGHAM.

I do certify this to be a true copy  
THO: HOPKINS.

INGOLDSBY'S LETTER DEMANDING THE FORT.

S<sup>r</sup>:

I have seen y<sup>e</sup> Copy of his Maj<sup>ties</sup> letter directed to Lieu<sup>t</sup> Gov<sup>r</sup> Nicholson &<sup>cs</sup> but cannot find how you may derive any authority to yo<sup>r</sup> Selfe from thence. I want not y<sup>e</sup> accomodacon you speciously offer to his Maj<sup>ties</sup> Souldiers under my Command Possession of his majesty's fort is what I demand from you—and if you refuse that I must esteem you no friend to their Maj<sup>ties</sup> King William and Queen Mary.

S<sup>r</sup> y<sup>r</sup> most humble Servant  
RICHARD INGOLDSBY.

(was signed)  
From on board y<sup>e</sup> Beaver  
the 30 of Ja<sup>y</sup> 169<sup>o</sup>.  
To Capt<sup>n</sup> JACOB LEISLER  
att y<sup>e</sup> ffort in New York.

INGOLDSBY'S WARRANT TO CAPT. SAMUEL MOORE.

By virtue of a Commission from their Maj<sup>ties</sup> King William and Queen Mary to me I do will and require you and every one of you in obedience to their s<sup>d</sup>

Maj<sup>ties</sup> that you aid and assist us in all things and matters concerning to and in fulfilling y<sup>e</sup> s<sup>d</sup> Commission & y<sup>t</sup> you and every one of you do aid, Show & are ready at all times & with speed to assist me in all things for encompassing and overcoming of all that stand in Opposition against their Maj<sup>ties</sup> Commands and that you cause these things to be published & made manifest with all Speed as may be and that we shall Deeme & account of all such that stand in Opposition to be rebels against their said Maj<sup>ties</sup> given under my hand and Seale at Armes in New York this 30<sup>th</sup> 169<sup>o</sup>.

(was signed)

RICHARD INGOLDSBY.

To Cap<sup>t</sup> Samuel Moore

a true copy by me (was signed) SAMUEL MOORE.

LEISLER'S WARRANT TO MAJOR BEEKMAN.

By the Lieut<sup>t</sup> Governour & C<sup>a</sup>

Whereas I am credibly informed y<sup>t</sup> the forces on board a certain ship arrived from England now riding within Sandy Hooke are ordered to be landed upon Long Island.

These are to will & require you y<sup>t</sup> upon y<sup>e</sup> landing of y<sup>e</sup> said forces you do Entertain them with all Courtesy & accommodation provided they appeare not in hostility neither commit unlawfull acts upon any of their Maj<sup>ties</sup> subjects or breake y<sup>e</sup> peace of their Crowne and dignity upon whose arrivall & behaviour you are to give me immediate notice and observe no orders or commands whatsoever but from myselfe and such as derive from me (untill y<sup>e</sup> arrivall of his maj<sup>ty</sup> further orders) and that you are always ready both horse and foote to doe duty to his majesty and answer y<sup>e</sup> trust reposed in you for so doing this shall be your warrant given under my hand and seale at Fort William in New Yorke Feb<sup>y</sup> 1<sup>st</sup> 169<sup>o</sup> and in y<sup>e</sup> second year of their maj<sup>ties</sup> reigne.

(Signed)

JACOB LEISLER.

To Major GERARDUS BEEKMAN and

all y<sup>e</sup> military officers & other y<sup>e</sup>

inhabitants of Kings County on Long Island.

LEISLER'S ORDER FOR REDUCING THE FORCES RAISED BY  
THOMAS CLARKE AND OTHERS ON LONG ISLAND.

By the Lieut. Governor & Councill &ca.

Whereas there hath arisen greate disturbances by Mr. Thomas Clarke and others upon Long Island pretending authority from the hon<sup>ble</sup> Major Ingoldesby so to doe, by confining several persons and Seizing of my orders for preserving their Maj<sup>ties</sup> peace notwithstanding all possible endeavours have been used for preventing y<sup>e</sup> same which hitherto has proved ineffectual.

These are therefore in their Maj<sup>ties</sup> said names Strictly to forbid all persons that pretend any Authority from the said Major to raise forces & Quarter the same upon his Majesties Subjects upon the said Island or Committ any Acts of Violence or force whatsoever, to persist therein but on the Contrary that they forthwith retire of their several places of abode peaceable & so remain as they will answer the contrary at their perils, which being performed, all officers which are Commissionated, are likewise commanded to dismiss the forces which are raised for Subduing the same & likewise do repair to their several habitations as if Such disorders had never been, & so to continue unless just occasion should require the contrary & the Hon<sup>ble</sup> Major Ingoldesby is hereby advertised that what is requisite to be done on his part may be instantly performed, Given under my hand & Seal at fort W<sup>m</sup> this 5 of Feby in the second year of their Majesties reigne Anno Dom 166<sup>o</sup>.

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LEISLER'S ANSWER TO INGOLDSBY CONCERNING PRISONERS  
IN THE FORT.

Fort William, Feb<sup>r</sup> 14, 169<sup>o</sup><sub>7</sub>.

Sr.

Relating your message by M<sup>r</sup> Milborne relating y<sup>e</sup> prisonners in y<sup>e</sup> fort I returne for answer That since your arrivall great numbers of disaffected persons to y<sup>e</sup> King's

interest, Papist & others who are fledd from justice have taken encouragement to come into this city and Comit insolencies agreeable to their disposition which if the prisoners now in durance should have access unto them might reduce matters off such a state that it may become impossible to conserve y<sup>e</sup> peace of his maj<sup>ties</sup> subjects in this province having had large experiences thereof and therefore determine that they remaine con-  
fined until his maj<sup>ties</sup> further orders arrive rather than expose to a second hazard y<sup>e</sup> peace having hitherto been secured God be thanked without bloodshed but shall withhold nothing that may be for their comfortable sub-  
stinance nevertheless your charitable offer is embraced with due respect & all imaginable Courtesy by  
S<sup>r</sup> Your most humble Servant

JACOB LEISLER.

LEISLER'S ORDER CONCERNING PERSONS FROM ALBANY AND  
ULSTER.

By the Lieut<sup>t</sup> Governor.

Whereas it is enacted by the hon<sup>ble</sup> assembly October last that all persons inhabitants or freeholders who should depart y<sup>e</sup> city and County of Ulster and Albany without Especiall licence from ye authority Comissionated by me shall forfeit and pay the sum of one hundred pounds &c<sup>a</sup> and the same is not duly observed and his maj<sup>ties</sup> service thereby is obstructed.

These are therefore to will and command all persons that are come from thence forthwith to repair to his maj<sup>ties</sup> fort before me and shew just cause for their departure else to be proceeded against as the law hath provided in such case.

Given under my hand in fort William this 17th of Feb<sup>r</sup> in the third year of their Majesties reigne annoq. Dom. 1690

(Signed)

JACOB LEISLER.

*God save King William and Queen Mary.*

## LEISLER TO INGOLDSBY.

Fort William March 1<sup>st</sup> 169<sup>o</sup>

Sr

Last night your men took upon them to go the rounds of this City under Character of y<sup>e</sup> City Hall rounds sundry times passing by this fort which is a province that neither you or any under your direction ought to tread in.

Therefore these are to advertise you that you do suffer not y<sup>e</sup> same any more to passe but wholly forbidd it whereby the peace of his majesty's subjects and the Constitucons of the said City may be preserved as of Right belongs which is the needfull at present from

Sr  
(Signed)

Your humble Serv<sup>t</sup>:

JACOB LEISLER.

## LEISLER TO COLONEL DUDLEY.

Fort William March y<sup>e</sup> 4th 1690

Sr

Capt<sup>n</sup> Bradshaw and another Gentleman came to me this Evening with a message from certain gentlemen nominated for his Maj<sup>ties</sup> Councell, off several particulars which I cannot exactly remember, whereupon I addresse myself to your Hands for a copy thereof as you shall direct so sutable return may be made.

I am

Your humble Servant,

(Signed)

JACOB LEISLER.

To the Honourable Col<sup>o</sup> Joseph Dudley.A DECLARATION OF THE FREEHOLDERS AND INHABITANTS  
OF LONG ISLAND AND PARTS ADJACENTS.

Whereas we have Received an order from their Maj<sup>ties</sup> Council at New York bearing date March 4<sup>th</sup> 1690 declaring the many abuses put upon their Maj<sup>ties</sup>

forces which are sent over for our preservacon and protection particularly in seizing and imprisoning a Sergeant and three centinells by Jacob Leisler and his accomplices and the said Jacob Leisler declaring that Major Ingoldsby or any under his proteccion ought to thread upon any of the earth of this Province of New Yorke and the said order desiring our assistance and advice, we interpreting the sense of these words to be, that the s<sup>d</sup> Leisler preserveth this Province for some foreign Prince or State, therefore to satisfy all their Maj<sup>ties</sup> King William and Queen Mary loving and loyal subjects of our intent and designe, it is for no other end but for to preserve their peace to defend and secure their Maj<sup>ties</sup> forces and Comission from the rage tyrannies and designs of their Maj<sup>ties</sup> Ennemies and to assist and advise with the forces y<sup>t</sup> their Maj<sup>ties</sup> have sent, and we do farther declare to all their maj<sup>ties</sup> good subjects that we will not molest any persons on their Estates that we do not find actually in armes ag<sup>st</sup> their maj<sup>ties</sup> comission and y<sup>e</sup> peace of their Maj<sup>ties</sup> Crowne and dignity.

(was Signed)

THOMAS WILLETT  
THOMAS CLARKE  
DANIEL WHITEHEAD  
THOMAS HICKS  
SAMUELL MOORE

*God save King William and Queen Mary.*

A true copy examined by me

(signed)

JOHANNES VAN EKELEN.

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LEISLER TO INGOLDSBY.

Fort William March 5th 1690

S<sup>r</sup>

In answer to your message with the drum last night I send four men of yours who presumed to pass this fort by Character of the City Hall rounds notwithstanding they were challenged divers times by the Centinells and



would not stand but proceed in despite thereof for which I expect you do render an account I having advertized you sufficiently to the contrary and farther demand his maj<sup>ty</sup> subjects which by you or your orders are at present configned contrary to their maj<sup>ty</sup> peace and Quietness of the Province.

(Signed)

JACOB LEISLER.

LEISLER'S DECLARATION OR PROTEST AGAINST INGOLDSBY.

Whereas almighty God through his wonderfull mercy hath raised up their Maj<sup>ties</sup> King William and Queen Mary to be y<sup>e</sup> glorious instruments of delivering their Kingdoms & dominions both Church & State from y<sup>e</sup> imposition of y<sup>e</sup> romish religion and illegal and arbitrary power exerced under y<sup>e</sup> unhappy reigne of y<sup>e</sup> late King James which hath appeared in a more than ordinary measure within this province of New Yorke under y<sup>e</sup> Governm<sup>t</sup> of Col<sup>o</sup> Dongan (by letters patent from y<sup>e</sup> s<sup>d</sup> King) a professed papist who together with seven counsellors had power to make laws raise and levy taxes & transport y<sup>e</sup> inhabitants out of this province without having any regard to advice or consent of y<sup>e</sup> representatives of y<sup>e</sup> people, which said power was continued & augmented by Commission from y<sup>e</sup> s<sup>d</sup> King James appointing S<sup>r</sup> Edmund Andros governor of this province as well as New England (succeeding y<sup>e</sup> s<sup>d</sup> Col<sup>o</sup> Dongan) who together with thirty odd Councillors of which seven made a Quorum did act accordingly and proceed in y<sup>e</sup> vigorous prosecution of pernicious practices within said province (as in due time will be made appear) untill certaine notice of their Maj<sup>ties</sup> Coronation arrived.

Whereupon many of y<sup>e</sup> good inhabitants of this province (zealous for the protestant religion and rejoicing at so glorious an accession) to discover their loyalty taking encouragement from his highness y<sup>e</sup> Prince of Orange (now our most gracious Sovereigne) his excellent memoriall and declarations, did secure his majestys' fort displace and disenable y<sup>e</sup> lieut<sup>t</sup> Governor & his Council

and Militia settled by the authority of said King James in so much that a stop was put to their further proceedings to prosecute their maj<sup>ties</sup> & to preserve in their loyalty did Elect representatives for each county in the province who assisted forthwith to proclaime their Maj<sup>ties</sup> William & Mary King & Queen of England, France & Ireland & y<sup>e</sup> territories thereunto belonging according to forme and becoming ceremonies in opposition to y<sup>e</sup> present power &<sup>ca</sup> who used their utmost art and diligence to prevent it making farther necessary steps for securing y<sup>e</sup> s<sup>d</sup> fort City and Province in behalfe of their s<sup>d</sup> Maj<sup>ties</sup> untill their Royall pleasure should be known concerning us which accordingly arrived y<sup>e</sup> 10<sup>th</sup> December, 1689 his maj<sup>ties</sup> letter bearing date July y<sup>e</sup> 30 foregoing directed to Francis Nicholson, Esq. & in his absence to such for y<sup>e</sup> time being take care for preserving y<sup>e</sup> peace and administering y<sup>e</sup> lawes in this province to take upon them y<sup>e</sup> Gov<sup>mt</sup> of y<sup>e</sup> s<sup>d</sup> Province requiring to do and perform all things which to y<sup>e</sup> place and office of our Lieut<sup>t</sup> Governor & Com<sup>der</sup> in Chief of our province of New Yorke doth or may appertaine as you shall find necessary for our Service, &<sup>ca</sup> untill farther order from us.

Now so it is we are certainly informed & give full credence thereunto that their present maj<sup>ties</sup> have Comissionated his Excellency Col<sup>o</sup> Henry Sloughter to be Govern. of this their Province of New Yorke who was parted at sea from several Ships arrived since in this port with officers, souldiers & ammuniçons for his Maj<sup>ties</sup> service as his s<sup>d</sup> Excellency shall appoint who hitherto has given no order or direction concerning the same, nevertheless major Rich<sup>d</sup> Ingoldsby hath presumeth to raise men and levy forces within this province whereby hostilities and irregularities are Committed to y<sup>e</sup> indignity of their maj<sup>ties</sup> supremacy detraction of his Excell<sup>ty</sup> authority & perill & disturbance of y<sup>e</sup> good people therof notwithstanding he the s<sup>d</sup> Maj<sup>r</sup> hath had repeated advertisements and Cautions to y<sup>e</sup> contrary but altogether disregarding the same hath persisted in y<sup>e</sup>

said unwarrantable practices which are heightened & improved by certain gentlemen who have taken upon them to sitt as councill issuing forth their orders (unto persons who act by & assert y<sup>e</sup> authority of y<sup>e</sup> late King James to be lawfull) for raising what forces can be raised in Queens County &c<sup>a</sup> to assist their maj<sup>ties</sup> officers in pursuance of their Comissions & Such who do not appeare according to y<sup>e</sup> appointment to be deemed Rebels besides other publick actes relating this province without discovering or publishing any authority from his maj<sup>ty</sup> or his Excell<sup>ty</sup> Col<sup>o</sup> Sloughter for so doing w<sup>ich</sup> being very pernicious & of dangerous Consequence unto their Maj<sup>ties</sup> Interest & y<sup>e</sup> good of y<sup>e</sup> Inhabitants Justly creating in most loyall considerate persons doubtfull apprehensions concerning y<sup>e</sup> effects hereof as to y<sup>e</sup> security of y<sup>r</sup> Lives and Estates which as they hitherto have so frankly adventured so are ever ready to sacrifice in asserting compassing in defending their pres<sup>t</sup> Maj<sup>ties</sup> right and supreme authority in and over this province in opp<sup>s</sup>on to y<sup>e</sup> former power & government when y<sup>e</sup> Papists and French as well as others notoriously disaffected to their Maj<sup>ties</sup> Interest are not only embraced but encouraged and enlivened to revenge themselves upon those y<sup>e</sup> have suppressed & prevented their mischievous accons & enterprizes & for y<sup>e</sup> more specious carrying on off their designes y<sup>e</sup> they may not be without plausible pretences whereby to stirr up Exite and gather people to their assistance have published a certain manifest or declaration made at y<sup>e</sup> City Hall by Six Esq<sup>rs</sup> of y<sup>e</sup> Councill and two Capt<sup>ns</sup> com<sup>manding</sup> his Maj<sup>ties</sup> forces wherein is comprehended divers falsehoods and supposed matters which cannot be made out with truth to render y<sup>e</sup> Lieut<sup>t</sup> Gov<sup>r</sup> Leisler criminal and odious amongst the inhabitants of this Citty & Province which in due season will appeare to y<sup>e</sup> contrary not doubting but to approve both his Loyalty and integrity for their Maj<sup>ties</sup> service and interest and y<sup>e</sup> preservacon & security of this province & y<sup>e</sup> good inhabitants thereof against the domesticq. & foreign enemies notwithstand-

ing y<sup>e</sup> malice and prejudice of his adversaries declaring hereby y<sup>t</sup> he had no other designe Intent or purpose whatsoever than service to their Maj<sup>ties</sup> y<sup>e</sup> Conserv<sup>on</sup> of y<sup>e</sup> public wealth & security of this Colony untill y<sup>e</sup> arrival of his Excellency.

Wherefore y<sup>e</sup> s<sup>d</sup> Lt Gov<sup>r</sup> is constrained to declare & solemnly protest against all such irregular unwarrantable proceeding before mention<sup>d</sup> & y<sup>e</sup> authors councellors promoters & abettors of y<sup>e</sup> same as the causes of all homicides, bloodsheds & other mischiefs and damages that shall ensue thereupon & are hereby required forthwith to disband their forces raised within this province who are com<sup>manded</sup> to repair to their severall places of abode & keep their maj<sup>ties</sup> peace &<sup>m</sup> this done and published at Fort William y<sup>e</sup> 10th of March in y<sup>e</sup> third yeare of the Reigne of our Sovereign Lord & Lady William & Mary King & Queen of England, Scotland, France & Ireland &<sup>a</sup> Defenders of the Faith annoq Dom 169<sup>o</sup><sub>1</sub>.

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LEISLER'S LETTER TO COL. SLOUGHTER AT BERMUDA.

Fort William march y<sup>e</sup> 12<sup>th</sup> 169<sup>o</sup><sub>1</sub>

Sir.

Though your Excellency's absence & y<sup>e</sup> exorbitances of Major Ingoldesby (encouraging y<sup>e</sup> malice of Papists & other ennemies to their Maj<sup>ties</sup> accession to the Crowne whatever they now pretend) Things are brought unto such a disorder and evil Crisis which threatned the destru<sup>ction</sup> of this province & Consequently great prejudice to the nabouring parts of America being not a little heightned; the nominated Gentl<sup>men</sup> of y<sup>e</sup> King's Councill issuing forth orders to increase such forces in somuch that if an overruling Providence diverts not it is impossible to continue in this state many days without bloodshed which so happily hitherto has escaped it notwithstanding our resolu<sup>cons</sup> are firmly bent and as all possible means hitherto hath been, so still shall be used to prevent it, This being a reason which requires y<sup>e</sup>

strictest union whereby y<sup>e</sup> common enemy might be opposed & y<sup>e</sup> province better fortified and strengthened for their maj<sup>ties</sup> service, pray God send your Excellency amongst us Spedily, which that y<sup>r</sup> Stars may be propitious as it is our longing expectation So it shall be y<sup>e</sup> daily prayers of your Excell<sup>ty</sup>'s most humble servant  
 (Signed) JACOB LEISLER.

LEISLER'S ORDER TO CAPT. DUYKING CONCERNING THE  
 BLOCK HOUSE.

By the Lieut<sup>t</sup> Governor Etc<sup>a</sup>

Whereas great disturbances and troubles have arisen by Major Ingoldesby & his accomplices having obtained forces who threatened this his Maj<sup>ties</sup> and the block house of this City to assault them.

These are in his Maj<sup>ties</sup> name to will & command you to secure the block house in y<sup>e</sup> behalf of their Maj<sup>ties</sup> King William and Queen Mary against all or any persons whatsoever that shall assault attack or make any opposicon against it and do not behave themselves according to y<sup>e</sup> rules of war hereby empowering and requiring to employ and use all forcible means and hostilities against them for y<sup>e</sup> preservacon of that post and y<sup>e</sup> destrucon of y<sup>e</sup> offenders for which this shall be your sufficient warrant. Given under my hand and seale at Fort William in New Yorke the 13<sup>th</sup> of March in the third year of their Maj<sup>ties</sup> Reigne Annoq. Dom. 169<sup>o</sup><sub>1</sub>  
 (Signed) JACOB LEISLER.

To Capt<sup>a</sup> Garratt Duyking  
 Ensigne Abraham Brazier  
 Ensigne P. Dmill and  
 the rest of the officers.

SLOUGHTER'S WARRANT TO INGOLDSBY TO TAKE POSSESSION OF THE FORT, ETC.

S<sup>r</sup>

You are hereby ordered to march your Company

of Foote before the fort of this City and againe demand y<sup>e</sup> delivery thereof instantly and when you are in Possession, if Capt<sup>n</sup> Leisler and the persons call'd his Council do not render themselves arrest them in their Maj<sup>ties</sup> names and send them forthwith before me in Councill.

Your friend,

H. SLOUGHTER.

New Yorke March 20<sup>th</sup> 169<sup>o</sup><sub>1</sub>  
To Major Richard Ingoldesby.

ACCOUNT OF WHAT PASSED WHEN LIEUT. CHURCHER CAME  
BEFORE THE COURT.

The following paper is copied in the same spelling as the original before me. [DE SIMITINAR.]

An a Count of what past before the Court Concerning of Lieut<sup>t</sup> Churel (Churcher) the presentment was red he was asked wheather guilty or not guilty he said not guilty Judg (Dudley) tould him he was Aparentary Eliterate fellow y<sup>e</sup> liue<sup>t</sup> answeared & said what he did he was commanded to doe which Command he though in Contions he ought to obay & that the fort was then his abiding please & y<sup>e</sup> please he did then ofisuate he had a Commistion for and funder he did dasier the benefit of the act past y<sup>e</sup> King and Parliament datted Jena 27. 1689. Judg Dudly asked him for his Com-mistion which he gave him but Returned it not again.

ACCOUNT OF PROCEEDINGS IN COURT.

The following is an exact Copy of a Paper found amongst this Collection without any name or date so that it is impossible to assert which of the indiated persons it was. [DE SIMITINAR.]

Wat ge passeerd is als ik voor de *Koert*<sup>a</sup> kwam  
my wierd een geschrift voor geleese  
ik antwoorde dat ik het niet verstaan kon en vertogt  
nee taalman  
Stefanus<sup>b</sup> zeyde dat ik beschuldigh wierd van een *Ryet*<sup>c</sup>  
en dat ik maar giltj<sup>d</sup> or not te segge hadde waer  
toe zy my met alle man Sogte te persuadeere.

ik antwoorde dat my niet Schuldig kost kenne in een Saak daer Ek van de Koning en zyn Raade Dankelyk voor vrygekend was

Zy begonne met een groote konfusy te roepe dat ik Engels zonde Spreeke en verweete my elk het syne ik versogt weeder een taalman en vroeg teegens wien dat ik most spreeke of pleyte, en dat ik gereed was haar alle te antwoorde Zeggende datse haar behoorde te Schaame datse een spot maakte van haar eyg *koert*<sup>a</sup> en dat het maar een Speultie voor haar Scheen een men voor zyn lyf te *treye*<sup>c</sup> of om hals te brengen.

De *Juts*<sup>f</sup> vroeg wat ik gesejd had

Dog wierd door *Kortland*<sup>b</sup> heel kwaad aardig vals en verdraagd vertaald

Zy zeyde ik most my aan de Barinhartigheyd van de *Coert*<sup>a</sup> oovergegeeve hebbe

ik antwoorde dat ik geen barmhartigheyd zoeke — wildedaar ik wel wist dase niet en was hier wast kruyst hem, kruyst hem, ik zey dat ik dat van te vore wel ge weete hadde

*Klerk*<sup>c</sup> viel met geweld op myn aan taste naar zyn deegen dreygde my te doorstate: ik Rokte de borst oope en Zeyde dat hy een *kouwerd*<sup>d</sup> was dat hy niet dorst dat hem en kinde meuletie beeter als de deege paste

#### EXPLANATIONS.

<sup>a</sup> Court, in Dutch *een Hof* or more properly *een gerecht Hof*.

<sup>b</sup> Stephanus Van Cortland, one of the Judges.

<sup>c</sup> Riot, in Dutch *Ongebondenheijt*.

<sup>d</sup> guilty or not guilty, in Dutch *schuldig of niet schuldig*.

<sup>e</sup> to try for his life, in Dutch *iemants over een haalszaak te recht Stellen*.

<sup>f</sup> Judge, in Dutch *een Rechter*.

<sup>g</sup> Klerk or Clerk, in Dutch *Klerk ofte Secretaris*.

<sup>h</sup> Coward in Dutch, *een Bloodaard*.

Translation of the foregoing by B. Alofsen, Esq.

Of what passed when I came before the Court.<sup>a</sup>

A paper was read to me.

I answered that I could not understand it, and asked for an interpreter.

Stefanus<sup>b</sup> said that I was accused of a riot,<sup>c</sup> and that I had only to say guilty or not guilty,<sup>d</sup> and they all tried to persuade me thereto.

I answered that I could not acknowledge myself guilty in a case in which I had probably been acquitted by the King and his Council.

They began to cry out in great confusion that I should speak English, and every one of them reproached me.

I again desired an interpreter, and asked to whom I had to address myself or to plead, and that I was ready to answer them all, saying that they ought to be ashamed of themselves that they made a mock of their own Court, and that to them it only seemed to be a sport to try<sup>e</sup> a man for his life or kill him.

The Judge<sup>f</sup> asked what I had said.

But this Kortland<sup>g</sup> translated in a very mischievous, false and perverted manner.

They said I ought to have submitted myself to the mercy of the Court.

I answered that I did not wish to seek for mercy, because I well knew that it was not here—here it was crucify him crucify him. I said that I had already been aware of this before.

The Clerk<sup>h</sup> violently seized me grasping his sword and threatening to stab me: I bared my breast and said he was a Coward,<sup>i</sup> that he dared not, that a child's play-thing suited him better than a sword.

#### EXPLANATIONS.

<sup>a</sup> Court, in Dutch *een Hof*, etc. (Here Court means *een Gerechts-Hof*.)

<sup>b</sup> Stephanus, &<sup>c</sup>



° Riot, in Dutch *Ongebondenheid*. (Here Riot means *Muitery*.)

<sup>a</sup> Guilty or not Guilty, etc.

° To try for his life, in Dutch *iemant* (not as in the MS. *iemants*) over, etc.

<sup>r</sup> Judge, etc.

° Klerk or Clerk, in Dutch *Klerk ofte Secretaris*. The word is *Geheimschryver*; but this is obsolete, and we now say *Griffier*.

<sup>b</sup> Coward, in Dutch *een Bloodaard*.

#### AFFIDAVIT OF GEORGE DOLSTONE.

George Dolstone of the Province of New York in America, marriner aged three and thirty years or thereabouts maketh oathe that he this deponent did arrive at New York afores<sup>d</sup> from Barbados about a day or two after y<sup>e</sup> revolution there when this Deponent found the Inhabitants in armes and in Possession of the Fort, and this depon<sup>t</sup> being a housekeeper was required to watch in y<sup>e</sup> s<sup>d</sup> Fort in Capt. De Peyster's Comp<sup>y</sup>, which accordingly he did and this depon<sup>t</sup> saith that y<sup>e</sup> Capt<sup>m</sup> of y<sup>e</sup> militia did command in y<sup>e</sup> s<sup>d</sup> Fort by Turns while this depon<sup>t</sup> was at home he some few days after sayling again for Barbadoes from whence he returned back to New York the third of December, 1690: when Capt<sup>n</sup> Leisler commanded in chief, having been appointed by the Committee or general assembly in this depon<sup>t</sup>'s absence, with the consent and approbation of the inhabitants and this deponent saith that he was present & did see the s<sup>d</sup> Capt<sup>n</sup> Leisler proclaime their Maj<sup>ties</sup> King William and Queen Mary and the s<sup>d</sup> Leisler did fortifie y<sup>e</sup> s<sup>d</sup> Fort and City which till that time were ruinous and did also provide in all respects for the safety and defence of the Countrey much better than this depon<sup>t</sup> ever knew done in the time of the three preceding Governours And further saith that the said Capt<sup>n</sup> Leisler did raise and send a sufficient number of souldiers

with Stores and Provisions for the succour of Albany and the northern parts of the province against the French from whom many people had fled for their preservation to New Yorke, and this depon<sup>t</sup> further saith that there were several meetings of y<sup>e</sup> s<sup>d</sup> generall assembly during the government of the s<sup>d</sup> Cap<sup>t</sup> Leisler which did grant to their Maj<sup>ties</sup> several taxes for y<sup>e</sup> defense of y<sup>e</sup> government, part whereof was paid by this depon<sup>t</sup> and was well approved by the well affected part of the inhabitants and further saith that in y<sup>e</sup> months of July and August there came intelligence to New York that a French fleet was upon y<sup>e</sup> Coast and had taken Block Island and two prizes, whereupon y<sup>e</sup> s<sup>d</sup> Cap<sup>t</sup> Leisler did immediately fitt out four vessels well manned and provided with all things necessary to fight the s<sup>d</sup> French fleet & to secure the coast and this depon<sup>t</sup> saith that y<sup>e</sup> s<sup>d</sup> Cap<sup>t</sup> Leisler did continue Comander in Chief with great respectt from the people in general untill the later end of January, 1690 : when Capt<sup>n</sup> Rich<sup>d</sup> Ingoldsby arrived there with some souldiers from England, who some days after his arrival did send a Officer as this deponent heard to demand possession of the s<sup>d</sup> Fort from Capt<sup>n</sup> Leisler, whereupon the s<sup>d</sup> Cap<sup>t</sup> Leisler did send Mr. de la Noy then Mayor of the City & Mr. Milborne to waite upon y<sup>e</sup> s<sup>d</sup> Capt<sup>n</sup> Ingoldesby to see his orders, this depon<sup>t</sup> being then on board the s<sup>d</sup> Cap<sup>t</sup> Ingoldesby's ship, and this deponent did heare the s<sup>d</sup> Mr. de la Noy & Mr. Milborne offer the s<sup>d</sup> Capt<sup>n</sup> Ingoldsby from Capt<sup>n</sup> Leisler all sorts of accommodations for himself, his officers and souldiers which he refused and declared that he would continue on board till the other ships that were expected did arrive in case he should not have y<sup>e</sup> possession of the Fort, and further saith that he saw several people who had opposed the revolution & were disaffected come on board the said ship and sometime after y<sup>e</sup> said Ingoldesby landed with his souldiers and marched into the city & tooke possession of the Town Hall where they kept guard and from that time did hinder Capt<sup>n</sup> Leisler and the Burghers from going the

rounds & keeping watch in the City: and this deponent saith that the said Capt<sup>n</sup> Leisler did publish a Proclamation & sent the Constables from house to house requiring the people to give good reception and entertainment to the s<sup>d</sup> officers & souldiers but y<sup>e</sup> s<sup>d</sup> Capt<sup>n</sup> Ingoldesby being joined by several disaffected persons did issue forth warrants Commanding y<sup>e</sup> Inhabitants to take armes & to assist him whereupon severall hunderd of men did Joyne him and the s<sup>d</sup> Capt<sup>n</sup> Ingoldesby besieged y<sup>e</sup> s<sup>d</sup> fort & planted greate guns against it on several batteries and did block up most of the streets leading to y<sup>e</sup> s<sup>d</sup> fort and did forbid all persons from Carrying any sort of provision into y<sup>e</sup> s<sup>d</sup> fort, and this dep<sup>t</sup> further saith that he was compelled by y<sup>e</sup> s<sup>d</sup> Capt<sup>n</sup> Ingoldesby's order to take up armes and after to be a gunner in a battery of eight guns against y<sup>e</sup> s<sup>d</sup> fort: and this deponent saith that a boat with men coming from Long Island to the Fort the s<sup>d</sup> Cap<sup>t</sup> Ingoldesby one Mr. Symes his brother in law and an officer in one of the Companies with order to the said battery to load one of their best guns with Ball and sinke y<sup>e</sup> s<sup>d</sup> boat if they could and immediately thereupon fired at the s<sup>d</sup> boat & forced her to return to y<sup>e</sup> s<sup>d</sup> Long Island, which was the first shot that was made on either side and afterwards from the same battery they fired at a boat which was sent from the s<sup>d</sup> fort & wounded one of the men, and did after the return of y<sup>e</sup> s<sup>d</sup> boat to the fort fire against the fort with great violence for several hours both with great and small shot, and this depon<sup>t</sup> further saith that the guns of y<sup>e</sup> fort might easily have battered down y<sup>e</sup> town and destroyed most of the men against it. But y<sup>e</sup> s<sup>d</sup> Capt<sup>n</sup> Leisler as this depon<sup>t</sup> hath been told and believes gave order that they should not fire to do any hurt and further saith that three men killed and five wounded by the accidental firing of a gun in one of Capt<sup>n</sup> Ingoldesby's men's battery against the fort and that one other man was killed but whether by shot from the fort or by Capt<sup>n</sup> Ingoldesby's party this depon<sup>t</sup> knoweth not and this depon<sup>t</sup> further saith that some of Capt<sup>n</sup> Ingolds-

by's men having been taken by Capt<sup>n</sup> Leisler's men as they were going the rounds for not answering and affronting the guard the s<sup>d</sup> Cap<sup>t</sup> Ingoldesby discoursing thereof in this depon<sup>ts</sup> hearing did say that y<sup>e</sup> s<sup>d</sup> Cap<sup>t</sup> Leisler should die for y<sup>e</sup> same or he would die for him, and further saith that Colo. Sloughter arrived at N York on the nineteenth of March last towards the evening and sometime after Capt<sup>n</sup> Ingoldesby was sent to demand y<sup>e</sup> Fort whereupon Cap<sup>tn</sup> Leisler did send Mr. De la Noy and Mr. Milborne to be informed whether Col<sup>o</sup> Sloughter were really arrived, and if he were to wait upon him & offer him possession of y<sup>e</sup> Fort But the s<sup>d</sup> Mr De la Noy & Mr. Milborne wore forthwith imprisoned by order of y<sup>e</sup> s<sup>d</sup> Col<sup>o</sup> Sloughter not being heard speake and this depon<sup>t</sup> saith that very early the next morning the s<sup>d</sup> Cap<sup>t</sup> Leisler did write a letter to Col<sup>o</sup> Sloughter to come and receive the fort & accordingly he did deliver up the same upon the twentieth of March last of his own accord and without any Compulsion of the burghers who were in garrison who layd down their arms by the order of the said Cap<sup>t</sup> Leisler and this deponent saith the s<sup>d</sup> Cap<sup>tn</sup> Leisler and divers others were made prisonners and the burghers disarmed and the s<sup>d</sup> Capt<sup>n</sup> Leisler-M<sup>r</sup> Milborne and divers others were afterwards indicted for pretended murther and high treason. Whereupon the s<sup>d</sup> Cap<sup>t</sup> Leisler being arraigned did oftentimes desire to be informed by the Court before he should plead to the indictment whether y<sup>e</sup> authority by which he had acted by as commander in chief was lawfull or not to which the Court refused to give a direct answer requiring him to plead which he not doing they caused him to be bound and pinnioned and afterwards pronounced sentence of death against him which was accordingly executed in this deponent's sight. And this deponent further saith that great number of persons did petition y<sup>e</sup> s<sup>d</sup> Col<sup>o</sup> Sloughter to reprieve y<sup>e</sup> s<sup>d</sup> Capt<sup>n</sup> Leisler and other condemned persons and this depon<sup>t</sup> heard that several were molested for so doing, And this depon<sup>t</sup> further saith that the s<sup>d</sup> M<sup>r</sup> Leisler was a merchant of good Estate

reall and personall & had very considerable dealings before y<sup>e</sup> s<sup>d</sup> Revolution, and does verily believe that he expended a greate deal of his own proper money in their Maj<sup>ties</sup> service for the defence of the said province, and more saith not.

(Signed)

GEORGE DOLSTONE

Jurat 19<sup>o</sup> Feb<sup>r</sup> 1691<sup>o</sup>

coram me magro Cancell: S. KECK.

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AFFIDAVIT OF THOMAS DAWSON.

Thomas Dawson of the parish of St Paul Shadwell in the county of Middlesex, marriner, aged nine and thirty years or thereabouts, maketh oath, that he this depon<sup>t</sup> on or about the eight and twentyith day of January did arrive with Capt<sup>n</sup> Richard Ingoldesby in the ship Beaver near to the City of New York and presently after Stephanus Van Cortlandt and many other persons came on board the said Ship who made Complaints against Capt<sup>n</sup> Leisler and desired the said Capt<sup>n</sup> Ingoldesby to land with his Souldiers and thereupon they would raise men and join him and force or pull Capt<sup>n</sup> Leisler out of the fort, and thereupon the said Capt<sup>n</sup> Ingoldesby did send Lieut. Shanks and Mr. Simmes brother in law to Capt<sup>n</sup> Ingoldesby to demand the fort from Capt<sup>n</sup> Leisler whereunto the said Capt<sup>n</sup> Leisler made answer that in case he had any commission or orders from his Majesty or Colonel Sloughter he would forthwith deliver the same but without such orders he could not, and the said Capt<sup>n</sup> Leisler did very kindly invite the said Capt<sup>n</sup> Ingoldesby to come on shore with his Souldiers and did offer him the use of his own houses for himself and officers and the houses of the burgers for the soldiers with the best accommodation the Country could afford until the arrival of the Governour but the said Capt<sup>n</sup> Ingoldesby refused the same and continued on board about six or seven days till Capt<sup>n</sup> Tregany arrived with more soldiers from England

and in the mean time the said Ingoldesby did send a shore powder & ammunition to the people who had promised to joyne him against Leisler and they being ready the said Ingoldesby and Capt<sup>n</sup> Bradshaw with all their soldiers did land & march into the said City of New York and this deponent hath been credibly informed they did besiege the said fort which he the rather believes because he saw divers great guns planted against it and this deponent further saith That he was ordered by the captain of the said ship to move (sic) her head and stern against the said block-House to batter the same, and afterwards there came about fifteene men on board, who said they were sent to fire against the Block house and that day the said Block House was surrendered : and more deposeth not.

(Signed)

THOMAS DAWSON.

Jurat 19 Feb<sup>y</sup>, 1691<sup>o</sup>,  
coram me magro Cancell. S. KECK.

AFFIDAVIT OF THOMAS JEFFERS.

Thomas Jeffers of the province of New York in America aged thirty years or thereabouts maketh oath that he this deponent in the month of November anno Dni 1690: did arrive at the city of New York with a Briganteen whereof he was master from Antegoa with a letter from General Codrington to Capt<sup>n</sup> Jacob Leisler then Commander in chief of New York at which time the s<sup>d</sup> Capt<sup>n</sup> Leisler was raising of men & making provision of ammunition & necessary stores to send for the relief of Albany which was in great apprehension of being invaded by the French so that great number of people withdrew themselves out of those parts to New York and this depon<sup>t</sup> saith that the s<sup>d</sup> Capt<sup>n</sup> Leisler was acknowledged and owned by the inhabitants to be Commander in Chief of the said Province and did therein behave himself to the general satisfaction, continually taking care of their Maj<sup>ties</sup> interest and the

safety of the country for which end the said Capt<sup>n</sup> Leisler did very well fortify the Fort and City of New York so that y<sup>e</sup> same remained in great peace and quietness till about y<sup>e</sup> later end of January, 1690, when Capt<sup>n</sup> Rich<sup>d</sup> Ingoldesby arrived there with some Souldiers from England who thereupon as this depon<sup>t</sup> is informed and believes did send to the said Capt<sup>n</sup> Leisler requiring the possession of the fort upon which the said Capt<sup>n</sup> Leisler did send Major Milborne aboard the ship where the s<sup>d</sup> Ingoldesby was to wait upon him and see his orders for receiving the said fort And upon the said Milborne's return this depon<sup>t</sup> heard him declare that the s<sup>d</sup> Capt<sup>n</sup> Ingoldesby had no orders to demand the possession of the fort But had only a commission to be Capt<sup>n</sup> of a foot company and this deponent afterwards heard the said Capt<sup>n</sup> Leisler declare to the same purpose & therefore that he could not with safety surrender the fort before the arrival of Col<sup>o</sup> Sloughter or orders from their Maj<sup>ties</sup> and in case of either he would readily yeld up the same and this deponent further saith that the said Capt<sup>n</sup> Leisler did offer all manner of accommodation for the good reception and entertainment of the s<sup>d</sup> Capt<sup>n</sup> Ingoldesby and the soldiers and for that purpose did publish a proclamation & did invite the s<sup>d</sup> Capt<sup>n</sup> Ingoldesby & his officers to lodge in his own houses but the said Capt<sup>n</sup> Ingoldesby refused the same and continued aboard about seven days during which time divers persones (who as this deponent was informed opposed the revolution and after that the government of the s<sup>d</sup> Capt<sup>n</sup> Leisler) did repaire on board to the said Capt<sup>n</sup> Ingoldesby who thereupon landed with his soldiers and drew them into the City Hall and there kept guard being joined with a great many men in arms some of which were papists and many french, and the s<sup>d</sup> Capt<sup>n</sup> Ingoldesby did hinder and obstruct the said Capt<sup>n</sup> Leisler and his men from going the rounds & keeping guards in the City and the said Ingoldesby did afterwards hold a Councell and thereupon did beseige the Fort and planted divers great guns against it about which time

this deponent went with a letter from Capt<sup>n</sup> Leisler to Col<sup>l</sup> Sloughter afores<sup>d</sup> who was then supposed to be at the Island of Bermudas but was sailed thence before this depon<sup>t</sup> arrival there which letter was delivered to the Governour of Bermudas, and this depon<sup>t</sup> saith that upon his return to New York being about y<sup>e</sup> middle of April he found Col<sup>o</sup> Sloughter there and the s<sup>d</sup> Capt<sup>n</sup> Leisler M<sup>r</sup> Milborne and several others in prison under the condemnation of death for some pretended high treason and this depon<sup>t</sup> further saith that he did see the said Capt<sup>n</sup> Leisler & M<sup>r</sup> Milborne put to death being first hanged and then their heads cut off: and at the place of Execution this depon<sup>t</sup> did heare the s<sup>d</sup> Capt. Leisler declare his innocency and that he died a martyr for King William. And this deponent further saith that he being in a house in New York where a minister was taking subscriptions to a petition to be presented to the said Col<sup>l</sup> Sloughter for the reprieve of the said Capt<sup>n</sup> Leisler and others condemned persons Some officers belonging to the said Col<sup>l</sup> Sloughter did seize upon the said minister and secure him as a prisoner for doing the same. And further saith that the said Capt<sup>n</sup> Leisler was a merchant of a very considerable estate & dealing before the s<sup>d</sup> revolution and believes he expended considerable sums of his own proper money in their Maj<sup>ties</sup> service for the preservacon of the said province of New York and further doth not depose.

(Signed).

THOMAS JEFFERS.

Jurat 19<sup>o</sup> Feb<sup>r</sup> 1691<sup>o</sup>

coram me magro Cancell. S. KECK.

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AFFIDAVIT OF JACOB TELLER.

Jacob Teller of the Province of New York in America late Commander of a ship aged seven and thirty years or thereabouts maketh oath, that about the month of September, 1690, Capt. William Mason and Cap<sup>tn</sup> Francis Goderis by virtue of a Commission from Capt<sup>n</sup>



Jacob Leisler deceased who then commanded as Lieut<sup>t</sup> Governor in the province of New York did seize and take from the subjects of the French King six ships which this Depon<sup>t</sup> saw brought into the port of New York, and were afterwards condemned in a Court of Admiralty constituted by a Commission from the said Capt<sup>n</sup> Jacob Leisler as lawful prizes and further saith that some short time after there was a publick vendue held for the sale of the s<sup>d</sup> ships where this deponent was present at which time one of the said ships then called the St. Pierre and since the beare, was bought by Mr. Edward Antell in the behalf of Capt<sup>n</sup> Jacob Mauritz as the highest bidder for the sum of five hundred pounds or thereabouts which said ship this deponent did see delivered to the said Captain Mauritz by Capt<sup>n</sup> Goderis and other persons authorized for that purpose, and doth verily believe that the said Capt<sup>n</sup> Mauritz did pay the said summe of five hundred pounds for the s<sup>d</sup> ship and further saith that some short time after this deponent and Mr. Isaac de Riemer did buy another of the said six ships formerly called the St. Maria and afterwards the Mason and since the Catharine for which they paid seven hundred and fifteen pounds Current money of New York which ship was delivered to this deponent and the s<sup>d</sup> De Riemer who enjoyed the same accordingly, and this deponent afterwards went a voyage with the s<sup>d</sup> ship from New York to Barbadoes and came thence to England where this deponent sold the said ship to M<sup>r</sup> Rich<sup>d</sup> Starkey merch<sup>t</sup> in London for the sum of eight hundred and forty pounds and this deponent further saith that one William Baker a master imployed by Mr. Frederic Flipsen of New York did acquaint this deponent that the said Flipsen gave him order to offer seven hundred pounds on his behalf for the ship bought by this deponent as afores<sup>d</sup> and said that the rest of the said six ships were sold and disposed of to Capt<sup>n</sup> de Peister and other persons and that one other ship was taken from the French by Cap<sup>t</sup> George Bullon and brought into the port of New Yorke and was there also

condemned and sold to the said Mr. Peister and partners & is now Comanded by Cap<sup>t</sup> Robert Sinclair, for all which said ships the Kings tenth was paid in the time of y<sup>e</sup> Government of Cap<sup>t</sup> Leisler as this deponent has heard and more saith not.

JACOB TELLER.

Jurat 23die Feb<sup>y</sup> 1691 coram me AD. OSTLEY.

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AFFIDAVIT OF BOUDEWIJN DE WIDT.

Boudewijn DeWidt of the province of New York in America, Chirurgien aged six and thirty years or thereabouts maketh oath, that he this deponent was present in the City Hall at New Yorke when Mr. Jacob Leisler and Mr. Jacob Milborne both deceased were arraigned upon an indictment or accusation for some pretended Treason murder & felony, before Joseph Dudley Sr Robert Robinson, Thomas Johnson, John Lawrence, Jasper Hicks, Rich<sup>d</sup> Ingoldesby and several others who sat as Judges and the s<sup>d</sup> M<sup>r</sup> Leisler and M<sup>r</sup> Milborne being required to plead thereunto in order for their Tryals. The s<sup>d</sup> M<sup>r</sup> Leisler and M<sup>r</sup> Milborne did desire to know of the said Judges (as this deponent was credibly informed by divers persons who were present) whether they did allow that the authority whereby y<sup>e</sup> said Leisler and Milborne had acted in the government of the said Province was lawfull or not. To which Question the said Judges refused to answer, and y<sup>e</sup> said M<sup>r</sup> Leisler and M<sup>r</sup> Milborne did thereupon declare that if y<sup>e</sup> said authority was disallowed several of the said Judges being their enemies they therefore could not plead to y<sup>e</sup> said Indictment and this deponent was afterwards present in Court and did hear y<sup>e</sup> s<sup>d</sup> M<sup>r</sup> Leisler and M<sup>r</sup> Milborne for y<sup>e</sup> reason aforesaid appeal from y<sup>e</sup> said Judges to the King and Queen's majesty and desired to be sent for England to answer what could be objected against them, but this deponent saith that notwithstanding the said appeal they were afterwards condemned to suffer death and were put to death accordingly, and further saith that by reason of the disorders in ye s<sup>d</sup> prov-

ince after ye arrival of Capt<sup>n</sup> Ingoldesby and Col<sup>o</sup> Slaughter great numbers of y<sup>e</sup> Inhabitants did leave the same & withdrew into other parts, and also saith that Capt.<sup>n</sup> John Hendrick de Bruyn this deponent's father in law, divers times informed this deponent that after the revolution was made & their pres<sup>t</sup> maj<sup>ties</sup> were proclaimed in N Yorke Col<sup>o</sup> Nicholaes Bayard one of the present council there did write a letter to him & Capt. de Peister. advising them not to be concerned in y<sup>e</sup> s<sup>d</sup> Revolution for that King James and his authority was in full power, a copy of which letter this depon<sup>t</sup> has been informed was sent by Capt<sup>n</sup> Leisler to England to be represented to the Kings majesty and more saith not.

BOUDEWIJN DE WIDT.

Jurat 23die Feb<sup>u</sup> cor me AD. OSTLEY.

#### AFFIDAVIT OF ISAAC DE RIEMER.

Isaac de Riemer of the City of New York in America, merchant aged six and twenty years or thereabouts maketh oath that he was born in the s<sup>d</sup> city of New York and that on or about the last day of May, 1689 This deponent then being a Commission Officer of a militia Company The Burghers and Inhabitants of the said City having extraordinary apprehensions of danger did take arms and did enter into and seize y<sup>e</sup> fort there not being to the best of this depon<sup>t</sup>s Judgement above forty persons who did not Joine therein, and that upon the seizure of the said Fort Captain Lodwick and other militia officers did enter thereinto and the said Captain Lodwick was sent by the people to demand the keys of the fort from Capt. Nicholson, who was at that time in the City and did accordingly deliver y<sup>e</sup> s<sup>d</sup> Keys to the said Capt<sup>n</sup> Lodwick whereupon the said inhabitants did declare for the Prince of Orange and the Protestant power then reigning in England, and that Mr. Abraham De Peyster another militia captain had the command of the guard in the said fort that day and was that night

relieved by the said Capt<sup>n</sup> Lodwick and further saith That Capt<sup>n</sup> Jacob Leisler was also a Captain of the militia and came into the s<sup>d</sup> Fort that day and that for about three or four weeks the Captains of the militia did by equal turns command and keep guard in the s<sup>d</sup> fort the said Capt Nicholson some short time after the said seizure thereof having left the City and further saith that during the said time the said Capt<sup>n</sup> Leisler having in his turne the command of the said fort the happy news of their present Majestys Accession to the Crowne did arrive whereupon the same Capt<sup>n</sup> Leisler forthwith proclaimed their Maj<sup>ties</sup> King William & Queen Mary and caused y<sup>e</sup> same to be done in other parts of the province and that shortly after a generall Committee of the representatives of the inhabitants of the said province was chosen and did assemble in New York aforesaid to consider and provide for the security thereof, which committee did appoint and commissionate the s<sup>d</sup> Capt<sup>n</sup> Leisler (as this deponent hath heard and verily believe) to be Commander of the s<sup>d</sup> Fort till further order from their Maj<sup>ties</sup> and accordingly the s<sup>d</sup> Capt<sup>n</sup> Leisler had the possession thereof and was approved by the generality of the people and thereupon the s<sup>d</sup> Capt<sup>n</sup> Leisler did very well fortify the fort and City and provided ammunitions & Stores and made other necessary preparations for their defence to the great satisfaction of all the people. And this deponent saith that the said General Committee being reassembled and they finding it necessary for their Maj<sup>ties</sup> service and the safety of the country they did likewise appoint and commissionate the said Capt<sup>n</sup> Leisler to be Commander in Chief of the whole province of New York till further orders from their Maj<sup>ties</sup> and accordingly he had the Government of the said province with the general good liking of the people. And several months after one Mr Riggs did arrive from England with a letter from his majesty directed to Francis Nicholson, Esq. Lient. Governor and in his absence to such as for the time being take care for administering the

laws and preserving y<sup>e</sup> peace in the s<sup>d</sup> province or to that effect, and the said Capt<sup>n</sup> Nicholson being long before departed from the said country the said Mr. Riggs the next day after his coming to the city of New York, went into the said fort to Capt<sup>n</sup> Leisler, and immediately after Mr. Frederic Flipsen and Stephanus Van Courtlandt came there also, this deponent being the (sic) present whereupon it was disputed between the s<sup>d</sup> Capt<sup>n</sup> Leisler and the s<sup>d</sup> Mr Flipsen and M<sup>r</sup> Van Courtlandt before the s<sup>d</sup> M<sup>r</sup> Riggs to whom the said letter did properly belong and after the debate and Consideration thereof the said M<sup>r</sup> Riggs said to the said Capt<sup>n</sup> Leisler that if he did demand the King's letter and would give him a receipt for the same, he would deliver it to him and accordingly the same was done without any force or compulsion used to the s<sup>d</sup> M<sup>r</sup> Riggs and further saith that shortly after a generall assembly was held in the s<sup>d</sup> City who did likewise own and approve the s<sup>d</sup> Capt Leisler to be Commander in Chief and did grant a tax of three pence in the Pound to their Maj<sup>ties</sup> and that the s<sup>d</sup> Capt<sup>n</sup> Leisler at several times did send Souldiers, ammunition, and necessary provisions for the defence of Albany and the northern parts of the Province against the French who had made great destructions therein and that the s<sup>d</sup> Capt<sup>n</sup> Leisler did upon that and other occasions act in the office of Lieut Governor to the utmost of his power for the interest of their present Maj<sup>ties</sup> and the good of the country and further saith that about the month of July, 1690, a Councell of War was held in the said City for the fortifying thereof when some persons did desire the members of y<sup>e</sup> s<sup>d</sup> Council of War to intercede with Capt<sup>n</sup> Leisler to release certain prisoners then in the fort, which was desired of him accordingly Whereunto the said Capt<sup>n</sup> Leisler [said] that if the said prisoners would acknowledge the present government and give bond for their good behaviour they should be released whereupon some of the officers went and demanded of the said prisoners if they would do the same which they then refused and afterwards on

the same day divers persons who had opposed the revolution declared they would rise and take the prisoners out and accordingly they did a very riotous manner assemble some of them having arms and went towards the fort where this depon<sup>t</sup> heard and believes they met Capt<sup>n</sup> Leisler and assaulted him but were afterwards quelled and many of them committed to prison and prosecuted and fined for y<sup>e</sup> s<sup>d</sup> Riot And this deponent likewise saith that about September, 1690 Capt<sup>n</sup> William Mason and Francis Goderis by virtue of a Commission granted by Capt<sup>n</sup> Leisler did seize and take from the subjects of the French King six ships which they brought into the port of New York where the same were condemned by a Court of Admiralty held by a Commission from the said Capt<sup>n</sup> Leisler as lawfull prize and afterwards at a publick vendue held for the sale of the said ships (this deponent being present) M<sup>r</sup> Edward Antell did buy one of the said ships formerly called the St. Pierre (as this depon<sup>t</sup> heard) and since the Beare for the use of Capt<sup>n</sup> Jacob Mauritz for the sum of five hundred pounds or thereabouts and this depon<sup>t</sup> saw possession of the said ship delivered to the said Capt<sup>n</sup> Mauritz by Capt<sup>n</sup> Gooderis and others empowered thereunto and doth believe the said five hundred pounds was really paid by the said Capt<sup>n</sup> Mauritz for the said ship and further saith that this depon<sup>t</sup> and Capt<sup>n</sup> Jacob Teller did buy another of the said six ships for which they gave seven hundred and fifteen pounds Current Money of New York and since sold the same to Mr. Starkey, Merch<sup>t</sup> in London, for eight hundred and forty pounds and this depon<sup>t</sup> believes that the Kings tenth were paid for the said ships at New York in the time of Capt<sup>n</sup> Leisler's government, and this deponent saith the s<sup>d</sup> Capt<sup>n</sup> Mauritz did repair his said ship and loaded goods on board her for England but this deponent came shortly after from New York and more saith not. (Signed) ISAAC DE RIEMER.

Jurat 24die Febr<sup>u</sup> 1691

coram me mag<sup>ro</sup> Cancell. S. KECK.

## AFFIDAVIT OF KILLIAAN VAN RENSSELAER.

Translated from the original in Dutch by S. Alosthen, Esq.

Kiliaan van Rensselaer aged about 25 years upon his oath taken upon God's holy Testament declares it to be true and nothing but the truth—

That the attestor arrived in New York in America in the month of May of the year 1690 in the ship the Catryn Skipper Jacob Mauritz.

That he then saw that the person Jacob Leisler at that time was governor of that province, and that as such he had been by the majority of the acknowledged and respected.

That the attestor also has seen that those of New York by order of the said Leisler were very busy in repairing and perfecting the defences of that City against the enemy in which they continued as long as he Leisler occupied the office of Governor.

That during the administration of the said Leisler he caused much detriment to the enemies and especially to the French and that for the maintenance of city and province he has acted and acquitted himself as a brave (braaft) soldier.

That even upon the least alarm, which took place in the time of his administration (the witness being there present) most of the militia upon his order and command immediately presented themselves and came under arms.

That the abovenamed Governor Leisler considering the necessities of the garrison at Albany as well of accoutrements and clothing as of provisions for subsistence found it necessary to send the Mayor Peter de La Noy with a constable to some of the Merchants and Inhabitants of the City and to request them to supply him therewith and temporarily to lend the King the funds necessary for the same, which upon the proposed terms they refused to do, but upon the said Mayor's guaranty and surety of payment and restitution of the same they willingly did.

That the said Leisler had returned to the above-

named Merchants of New York many invoices of goods which they had sent him for said garrison, because the same had been offered by them at too high a valuation of cost.

That the above mentioned goods, by and through the intervention of said Mayor in manner as above were credited by the said Leisler to the Merchants, and actually and in verity were subsequently sent for the service and use of the said Garrison of Albany.

That the attestor knows this full well, because he himself with these goods and provisions sailed from there in a sloop to Albany aforesaid, where the witness also saw that then there was a good and sufficient garrison, that also at that time cannon and a good quantity of ammunition to defend and maintain that city was being brought in, that between five and six hundred men or thereabout were then in the city, who with those of the city and province paid all respect and obedience to said Leisler until the arrival of the so-called Capt.<sup>n</sup> Ingoldsby.

That the said Ingoldsby upon his arrival had sent the Collector together with a lieutenant and the Ensign Symms to demand the fort of the said governor Leisler, showing nevertheless not the slightest order from His Majesty or the Colonel Slaughter, whereupon this was refused by the said Leisler, unless they would first show him evidence of the order of the King or at least that of the governor appointed.

That afterwards the said Ingoldsby having several times demanded the surrender of the fort the said Leisler had, among other things, let him know, and had requested that he would be pleased to keep peaceful and quiet, that he could come to his house where he would be treated and dealt with as a gentleman of his position, and that his men meanwhile would be provided with good quarters and board until the order of Governor Slaughter should have arrived.

That the said Ingoldsby refusing to listen to the good propositions and representations of the said Leisler,



thereupon had begun to attack the said Fort of New York and further had issued warrants to enlist men who should aid and assist him in his enterprize.

That the said Ingoldsby after he had picked up a number of people and had armed several Papists and Negroes had commenced to fire upon the said fort from the batteries which he had erected, and had also turned the cannon of the city towards the fort.

That he moreover had also caused to be imprisoned several burghers and inhabitants of New York, who refused to enter into his service and to assist him.

That the aforesaid Ingoldsby continued and persisted in his hostilities, until Governor Slaughter arrived there.

That the said Leisler having surrendered to the said Slaughter the Fort and City together with the government of the province, the said Slaughter thereupon made proclamation of an act, declaring every thing which had been done by the aforesaid Leisler unlawful, with further proclamation that the said Leisler and all who had proclaimed the King were traitors, thieves, and murderers.

That the said Slaughter further thereupon imprisoned the said Leisler together with a multitude of the principal inhabitants.

That the other Burghers of the place, seeing the wicked proceedings of the said Slaughter and the misfortune of their imprisoned fellow citizens, through fear and menaces fled thence and left the province, retiring elsewhere for their own security, so that a Company before under the government of the aforesaid Leisler of about one hundred and twenty men strong could not then muster fifty.

That the said Slaughter also caused to be removed from the walls of the City twenty pieces of the best cannon and sent them out of the country so that the deponent declares that at his departure from there (which was upon the fifth of September 1691) the said City of New York remained in no state of defence whatever.

That during the administration of Jacob Leisler, he Leisler sent several Ships to Canada to do damage to the enemy which had taken various French ships and brought them in at New York, and which subsequently were sold at public auction and out of the proceeds the King's tenths had been paid.

That the here aforesaid Captain Jacob Mauritz Inhabitant of New York of these Ships had bought and paid for the ship named the St. Pierre de Bayone, and afterwards the Beare, and having repaired the same equipped and brought her into navigable condition had freighted her with various goods and merchandise to transport the same to England and Holland.

That the said Jacob Mauritz being nearly ready to depart with said Ship the said Governor Slaughter under pretext that it had not been lawfully condemned had forcibly taken it away from him and had again sold it to another namely Frederick Flipsen one of the gentlemen of his council, without the said Jacob Mauritz having in any way been reimbursed or paid therefor, to the great loss and ruin of himself and his family.

(Signed)

K. V. RENSSELAER.

Jurat Septimo Martij Anno Dni 169<sup>1</sup>/<sub>8</sub>

coram me magro Cancell. AD. OSTLEY.

ORDER IN COUNCIL UPON THE PETITION OF JACOB LEISLER  
(THE SON).

Copie.

Att the Court at White Hall the 7th of January, 1691.

Present

(L. S.)

The King's most excellent Majesty

Upon reading this day at board the petition\* of Jacob Leisler Son of Capt<sup>n</sup> Jacob Leisler deceased late Comānder in Chief of their Maj<sup>ties</sup> Province of New York in America, Complaining that his<sup>s</sup> father

[\* The petition is printed in the *Documentary History of New York*, II. 422-24, and *N. Y. Col. Doc.*, III. 825-26.]

was unjustly put to death with Mr. Milborne y<sup>e</sup> Secretary by Col<sup>o</sup> Slaughter at New York and six others were condemned, but are reprieved, that their Estates are confiscated & praying to be relieved and care taken for y<sup>e</sup> preservacō of that Colony, as by y<sup>e</sup> s<sup>d</sup> petition more at large appears; His Maj<sup>ty</sup> in Council was pleased to refer y<sup>e</sup> s<sup>d</sup> petition (a copy whereof is annexed) to the right hon<sup>ble</sup> the Lords of y<sup>e</sup> Committee for trade and foreign Plantations, to examine the whole matter & report y<sup>e</sup> same to his maj<sup>ty</sup> at this board and then his maj<sup>ty</sup> will declare his further pleasure.

(Signed)

CHAR. MONTAGUE

JACOB LEISLER'S PETITION TO THE LORDS OF TRADE AND PLANTATIONS.

To the Right Hon<sup>ble</sup> the Lords of the Committee for trade and foreign Plantations.

The Humble Petition of Jacob Leisler son of Capt.<sup>a</sup> Jacob Leisler late of New York in America dec<sup>d</sup>. Sheweth.

That whereas upon hearing and examining the merits of a petition proffered by your Petitioner to his Sacred Maje<sup>ty</sup> your Lordships have been pleased to report your opinion touching part of the said Petition.\*

Your petitioner doth most humbly pray that your Lordships will be pleased to take into Consideration the sums of money laid out by your petitioner's s<sup>d</sup> father for their Maj<sup>ty</sup>'s service and the other matters contained in s<sup>d</sup> peti<sup>on</sup> and further represent unto her majesty the deplorable condition of the six condemned persons now remaining in prison at New York, and how that your petitioner's said father had the chief command in the said province for their Maj<sup>ty</sup>'s service from August 1689 untill the arrivall of Col<sup>o</sup> Slaughter, which your petitioner most humbly hopes did manifestly appear att the s<sup>d</sup> hearing, and that your Lordships will be pleased to

[\* The Order in Council upon this report (11 March, 1691,) is printed in the *N. Y. Col. Doc.*, III. 827.]

intercede with her maj<sup>y</sup> that the Sev.<sup>n</sup> Judgements and Attainders pronounced against your peti<sup>r</sup>s s<sup>d</sup> father & the s<sup>d</sup> Milborne & six others prisonners may be reversed & made voyd, as shall be advised by their Maj<sup>ties</sup> council learned

And your Petit.<sup>r</sup> as in duty bound shall ever pray &<sup>cc</sup>

JACOB LEISLER.

PETITION OF ABRAHAM GOUVERNEUR AND OTHERS UNDER  
SENTENCE OF DEATH, TO THE QUEEN.

To the Queen's most Excellent Majesty

The humble petition of Abraham Gouverneur, Gerardus Beekman, Mindert Courten, Thomas Williams, Johannes Vermillen and Abraham Brasier of New York in America now remaining there in prison under the Sentence of death

Sheweth,

That whereas your petitioners all who have faithfully served your Maj<sup>ties</sup> were unjustly tryed and condemned for some pretended high treason against your Maj<sup>y</sup> upon consideration whereof your Maj<sup>y</sup> has been graciously pleased to declare your Royall intentions to pardon yr petiti<sup>ons</sup> & to restore their Estates unto them as fitt objects of your Maj<sup>ties</sup> mercy,

Your petitioners do therefore most humbly beseech your Maj<sup>y</sup> to grant unto them and every of them your Maj<sup>ties</sup> gracious pardon and also to grant and restore unto every of them respectively their estates real & personal which have been seized and Confiscated by colour of the said conviction.

And your petiti<sup>on</sup> as in duty bound Shall ever pray

ORDER OF THE PRIVY COUNCIL.

At the Court at Whitehall y<sup>e</sup> 13<sup>th</sup> of May, 1692.

Present

The Queen's most excellent Maj<sup>y</sup> in Councell—

Whereas the right hon<sup>ble</sup> the Lords of the committee

for trade and Plantations have this day reported to her Maj<sup>ty</sup> their opinion that the recognizances taken from several persons bound over to appear in New York about October or November last for joining with & assisting Capt<sup>n</sup> Leisler whilst he took upon him the Gov<sup>t</sup> of that province and kept y<sup>e</sup> fort there and upon no other account, together with all proceedings thereupon may be discharged, her Maj<sup>ty</sup> in Councell is pleased to approve the s<sup>d</sup> report and to order as it is hereby ordered that Colonell Fletcher Governor of New Yorke in America doe give effectual directions that the Recognizance which were taken from the severall persons bound over to appear at New York about October or November last for joining with and assisting Capt<sup>n</sup> Leisler whilst he took upon him the Govern<sup>t</sup> of that province and kept y<sup>e</sup> fort there and upon no other account together with all proceedings thereupon be discharged according to the said report.

RICH. COLINGE.

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G. BEEKMAN AND M. COERTEN TO NICOLAS COLLEN.

[Translated from the original in Dutch, by S. Aloffsen, Esq.]

NEW UTRECHT, the 29 Sept. 1693.

Mr. Nicolaes Collen

This serves to make it known to you that we are still treated here with all manner of opprobrium and scorn, and yet daily abused as rebels and traitors. Several times I have been threatened by gov<sup>r</sup>. Fletser himself that I was still under sentence of death and that he could have me executed whenever it so pleased him. He has several times offered to procure us a pardon from their Maj<sup>ties</sup> but we did not desire this from him, because we are innocent of any evil deed. Why we are treated here so hard by Mr. gov<sup>r</sup> Fletser, is because the old Council who always have been our bitter Enemies are now again set as heads and Rulers over us and from the Circumstances in which they are placed they know that they are guilty of an evil deed insomuch as they bring before the Gov.<sup>r</sup> such matter only as pleases him

well. So it is our friendly request that for us six condemned namely for myself & Myndert Coerten, Johannis Vermilie, Thomas Wiljams, Abram Gouverneur Abram Breyser you would please procure our freedom and liberty as other inhabitants and that we may be discharged from the sentence which has been passed upon us and that here they may not release us upon recognizance nor seek to regard it in its full vigor. Whatever the costs may come to for the procuring of this we will thankfully pay to you or to your order. We hope that with the greatest speed you will use all diligence to get us redressed and with the greatest speed by a line in reply show us your friendly disposition. We will not fail to give you every proper satisfaction—meanwhile remaining,

GERARDUS BEEKMAN.

MYNDERT CORTEN.

Your obedient and affectionate Friends and Servants  
Please advise Mr. Leisler hereof and on our part with much esteem greet him. All his friends are yet in a good disposition.

Mr. Nicolaes Collen, Merchant at Dover.

PETITION OF THE WIDOW OF LEISLER, HER SON AND SIX DAUGHTERS.

To the Queen's most Excellent Majesty

The humble petition of Alice the widow of Capt<sup>n</sup> Jacob Leisler dec<sup>d</sup> late of New York in America and of Jacob Leisler, Susanna, Catherine, Mary, Hester, Frances and Margaret, the son & daughters of the dec<sup>d</sup> Jacob Leisler, as also of Mary the widow of Jacob Milborne likewise deceased,

Sheweth

Whereas the deceased Capt<sup>n</sup> Leisler & Jacob Milborne who did both faithfully serve your Maj<sup>ty</sup> for the securing and governing of the said province near two years' time and wherein the<sup>s</sup> Capt<sup>n</sup> Leisler did expend 3000<sup>l</sup> of his own money have since suf-

fered death and their estates reall and Personall being confiscated to the utter ruine of your petit<sup>n</sup> your Maj<sup>ty</sup> upon taking the same into your princely Consideration has been graciously pleased to declare your royal intention to restore the said Estates unto their families as fitt objects of your Maj<sup>ty</sup>'s mercy as is expressed in the order of Councell hereunto annexed.

Your Petitioners who are the most distressed Widows and Children of the s<sup>d</sup> Jacob Leisler and Jacob Milborne in all humility prostrated at your Maj<sup>ty</sup>'s royal feets (sic) do most humbly implore your maj<sup>ty</sup> to grant and restore the real and personal Estates unto your petitioners and that Maj<sup>ty</sup> will be graciously pleased to command the respective Judgements and Attainders pronounced against the s<sup>d</sup> Capt<sup>n</sup> Leisler and Jacob Milborne to be reversed and made voyd as shall be advised by your Maj<sup>ty</sup>'s Council learned.

And your petitioners as in duty bound shall ever pray &<sup>oa</sup>

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PETITION TO THE KING TO REVERSE THE ATTAINDERS.

The following is from a rough copy with many erasements (sic) additions, &c. [DU SIMITINER.]

That your petitioner Jacob Leisler's late father being commander in chief of your Maj<sup>ty</sup>'s fort in the s<sup>d</sup> Colony of New York, was attainted of high treason for not delivering y<sup>e</sup> s<sup>d</sup> fort to one Major Ingoldesby who pretended a right to the command thereof by being a Capt<sup>n</sup> of one of your Maj<sup>ty</sup> foot Companies tho the s<sup>d</sup> Major Ingoldesby had neither in that nor any other account any legall authority to demand y<sup>e</sup> possession of y<sup>e</sup> s<sup>d</sup> fort. That Jacob Milborne, dec<sup>d</sup>, you<sup>r</sup> Petitioners Abraham Gouverneur, Gerardus Beekman Joha<sup>n</sup>es Vermiliè dec<sup>d</sup>, Mynart Coerten Tho. Williams & Abraham Brasher was also attainted of high Treason & felony for adhering to and assisting y<sup>e</sup> s<sup>d</sup> Jacob Leisler y<sup>e</sup> Elder. That y<sup>e</sup> s<sup>d</sup> Jacob Leisler y<sup>e</sup> Elder and y<sup>e</sup> s<sup>d</sup> Jacob Milborne were executed for y<sup>e</sup> s<sup>d</sup> offences but that the execution of your petitioner Ab<sup>m</sup> Gouverneur and the rest of the said

persons so attainted was respited. That her late Majesty being very sensible of the hardship of y<sup>e</sup> s<sup>d</sup> case of your petitioners and the rest of the persons before mentioned was graciously pleased to direct that your petitioner Jacob Leisler should be restored to y<sup>e</sup> possession of his s<sup>d</sup> father's estate and that y<sup>e</sup> widow of the said Jacob Milborne should have and enjoy y<sup>e</sup> estate of her s<sup>d</sup> husband and that y<sup>e</sup> severall Estates of your petit<sup>r</sup> Abm. Gouverneur & of y<sup>e</sup> rest of y<sup>e</sup> said persons before mentioned Should be restored to them respectively and also that your Petit<sup>r</sup> Ab<sup>m</sup> Gouverneur and y<sup>e</sup> rest of y<sup>e</sup> s<sup>d</sup> Persons should be discharged from their imprisonment, and accordingly grants passed y<sup>e</sup> great Seal for these purposes and your petit<sup>r</sup> and the s<sup>d</sup> other persons or some claiming from or under them have ever since enjoyed some part of their respective estates tho a good part thereof be still detained from them contrary to y<sup>e</sup> s<sup>d</sup> Grant. That y<sup>e</sup> s<sup>d</sup> severall attainders & y<sup>e</sup> corruption of blood which was wrought thereby remain still in force & may turn to y<sup>e</sup> great injury and prejudice of your petit<sup>r</sup> and the rest of the aforesaid persons & their heirs. Your petit<sup>r</sup> therefore most humbly pray that your most Sacred Maj<sup>ty</sup> would be graciously pleased to give directions that y<sup>e</sup> residue of their respective estates may be restored or some Satisfaction made to them for y<sup>e</sup> same, And also to give your petitioner leave to apply to y<sup>e</sup> parliament in order to procure an act to pass for y<sup>e</sup> reversions of y<sup>e</sup> s<sup>d</sup> Severall attainders.

And your Petit.<sup>r</sup> &<sup>as</sup>

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PROCEEDINGS OF THE PRIVY COUNCIL ON THE PETITION  
OF LEISLER AND GOUVERNEUR.

At y<sup>e</sup> Court at Kensington, y<sup>e</sup> 28 Feb<sup>ry</sup> 1694.  
Present y<sup>e</sup> Kings most Excellent Majesty in Councill.

Upon reading this day at y<sup>e</sup> board y<sup>e</sup> humble petition of Jacob Leisler and Abraham Gouverneur both of N. York in America Setting forth y<sup>e</sup> services of y<sup>e</sup>



petit<sup>r</sup> Leisler's late father J. L. in securing y<sup>e</sup> province of N. York for his maj<sup>ty</sup> in y<sup>e</sup> late revolution, and y<sup>e</sup> upon his Maj<sup>ty</sup>'s letter directed (in y<sup>e</sup> absence of Capt<sup>n</sup> Nicholson) to such as for y<sup>e</sup> time being took care for preserving y<sup>e</sup> peace & administering y<sup>e</sup> laws there y<sup>e</sup> s<sup>d</sup> Jacob Leisler y<sup>e</sup> Elder faithfully executed his maj<sup>ty</sup>'s commands, till the arrival of Capt<sup>n</sup> Ingoldesby with one Company of foot who demanding y<sup>e</sup> fort of s<sup>d</sup> Province without any authority, which being refused by the petitioner's said father, he laid Siege to it from y<sup>e</sup> 29th of Jan<sup>r</sup> to y<sup>e</sup> 19th March, 1690 being y<sup>e</sup> day that Col<sup>l</sup> Slaughter y<sup>e</sup> late Governour there arrived, unto whom y<sup>e</sup> s<sup>d</sup> fort was peaceably delivered. Notwithstanding which y<sup>e</sup> said Jacob Leisler y<sup>e</sup> Elder and Jacob Milborne were attainted & executed for high treason in not delivering y<sup>e</sup> fort to y<sup>e</sup> s<sup>d</sup> Ingoldesby & his accomplices & Pet<sup>r</sup> Ab<sup>m</sup> Gouverneur, Ger<sup>du</sup> Beekman, Joh<sup>s</sup> Vermilie decess<sup>d</sup> Mindert Coerten Th<sup>s</sup> Williams & Ab<sup>m</sup> Brazier attainted also for assisting the said Leisler. That her late Maj<sup>ty</sup> being sensible of the hardships of y<sup>e</sup> pet<sup>r</sup>'s Case was pleased to order a restitution of y<sup>e</sup> estates of y<sup>r</sup> Petition<sup>r</sup> & y<sup>e</sup> Severall persons above mentioned with a discharge from their imprisonment notwithstanding a good part thereof is still detained and by y<sup>e</sup> s<sup>d</sup> attainer their blood is corrupted, and therefore praying to be restored to y<sup>e</sup> residue of their Estates and leave to apply to y<sup>e</sup> Parliament for reversal of their attainders. It is this day ordered by his Maj<sup>ty</sup> in Council that that part of the petition for having y<sup>e</sup> sev<sup>l</sup> persons therein mentioned restored to y<sup>e</sup> remainder of their respective Estates be and is hereby referred to the R. H. y<sup>e</sup> Lords of y<sup>e</sup> Committee for trade and plantations, to examine and consider there of & report to this board, what they judge fit to be done thereupon, and as to y<sup>e</sup> reversing their severall Attainders they may apply themselves to Parliament for obtaining y<sup>e</sup> same, if they think fit.

JOHN NICHOLAS.

PETITION OF LEISLER AND GOUVERNEUR TO THE HOUSE OF  
LORDS.

To the Right Honourable the Lords Spiritual & Temporal in Parliam<sup>t</sup> assembled

The humble petition of Jacob Leisler of N. York in America & Ab<sup>bam</sup> Gouverneur of y<sup>e</sup> same place  
Sheweth

That Capt.<sup>n</sup> Francis Nicholson being upon his Maj<sup>ty</sup> and the late Queen's accession to the Throne Lieut<sup>t</sup> Gov<sup>r</sup> of y<sup>e</sup> s<sup>d</sup> Province of New York and refusing to declare for their maj<sup>ty</sup>s or submit to their government withdrew himself from y<sup>e</sup> s<sup>d</sup> Province.

That thereupon Jacob Leisler y<sup>e</sup> late father of yo<sup>r</sup> Petitioner Jacob Leisler was by y<sup>e</sup> Generall Assembly appointed Commander in chief of y<sup>e</sup> Fort & province of New York to the general satisfaction of y<sup>e</sup> inhabitants & afterwards by a letter from his Sacred Maj<sup>ty</sup> confirmed in y<sup>e</sup> s<sup>d</sup> Command untill his maj<sup>ty</sup>s pleasure should be further known.

That y<sup>e</sup> s<sup>d</sup> Jacob Leisler by virtue of y<sup>e</sup> s<sup>d</sup> authority so given and confirmed to him Proclaimed their s<sup>d</sup> Maj<sup>ty</sup>s King and Queen and Secured y<sup>e</sup> s<sup>d</sup> Province to their Maj<sup>ty</sup>s interest & faithfully & duly executed y<sup>e</sup> s<sup>d</sup> office.

That Col<sup>o</sup> Sloughter was afterwards by his Maj<sup>ty</sup> appointed Governor of y<sup>e</sup> s<sup>d</sup> Province, but about six weeks before y<sup>e</sup> s<sup>d</sup> Col<sup>o</sup> Slaughter's arrival at New York one Capt<sup>n</sup> Ingoldsby coming thither demanded y<sup>e</sup> possession of y<sup>e</sup> s<sup>d</sup> fort pretending a right to y<sup>e</sup> same as Capt<sup>n</sup> of a foot Company Tho he had no authority either from his Maj<sup>ty</sup> or Col<sup>o</sup> Slaughter to demand the possession thereof.

That the said Jacob Leisler refusing to deliver y<sup>e</sup> possession of y<sup>e</sup> s<sup>d</sup> Fort to y<sup>e</sup> said Capt<sup>n</sup> Ingoldesby for want of s<sup>d</sup> orders he y<sup>e</sup> s<sup>d</sup> Ingoldesby (together with one M<sup>r</sup> Joseph Dudley now called Colonel Dudley and several others that were of y<sup>e</sup> Council to y<sup>e</sup> s<sup>d</sup> Nicholson) laid close siege to y<sup>e</sup> s<sup>d</sup> fort and raised batteries against

it and Continued y<sup>e</sup> s<sup>d</sup> Siege from the 29th of January 1690 untill the 19th of March following at which time Col<sup>o</sup> Slaughter arrived at y<sup>e</sup> s<sup>d</sup> Province to whom the said Jacob Leisler as soon as he had notice thereof offered the possession of the fort and delivered the same accordingly.

Notwithstanding which the s<sup>d</sup> Jacob Leisler the elder and Jacob Milborne were attainted of high treason for not delivering y<sup>e</sup> s<sup>d</sup> fort to y<sup>e</sup> s<sup>d</sup> Capt<sup>n</sup> Ingoldsby & his accomplices before y<sup>e</sup> said Joseph Dudley Chief Judge, Capt<sup>n</sup> Ingoldsby and such their associates that had been concerned in y<sup>e</sup> besieging y<sup>e</sup> s<sup>d</sup> fort as afores<sup>d</sup>. And y<sup>e</sup> s<sup>d</sup> Leisler and Milborne were executed for y<sup>e</sup> same. That your petitioner Ab<sup>m</sup> Gouverneur — Gerardus Beekman, John Vermillie dec.<sup>d</sup> Minart Coerten, Thomas Williams & Abraham Brasher were also attainted for assisting y<sup>e</sup> s<sup>d</sup> Jacob Leisler and their Estates seized.

That her late Maj<sup>ty</sup> being very sensible of y<sup>e</sup> hardships of your petitioner's case, was graciously pleased to direct that the said persons should be restored to their estates.

That y<sup>e</sup> s<sup>d</sup> attainders & y<sup>e</sup> corruption of blood which was wrought thereby being still in force his Maj<sup>ty</sup> was graciously pleased by his order in Councill dated y<sup>e</sup> 28th of February last to give leave to apply to Parliament for the reversal of the attainders.

Your Petitioners therefore most humbly pray that your Lordships would be pleased to take their case into your serious consideration & also give leave y<sup>e</sup> a bill be brought into this hon<sup>ble</sup> house for y<sup>e</sup> reversall of y<sup>e</sup> s<sup>d</sup> attainders.

And your petitioners as in duty bound shall ever pray &c. (Signed)

JACOB LEISLER.

ABRAHAM GOUVERNEUR.

PETITION OF JACOB MAURITZ AND OTHERS TO THE KING.

To the King's most Excellent Maj<sup>ty</sup>

The humble petition of Jacob Mauritz, John Thomas,

and Jacob Willems and others on the behalf of themselves and great numbers of your Maj<sup>ty</sup>'s loyal subjects in the province of New York in America. Sheweth;

That your petitioners did to their utmost power assist in securing the said province for your maj<sup>ty</sup> and that Capt<sup>n</sup> Francis Nicholson (who was deputy governor) having withdrawn himself Capt<sup>n</sup> Jacob Leisler was by the freeholders and inhabitants Elected Commander in chief untill your Maj<sup>ty</sup>'s royall pleasure was known: And that accordingly y<sup>e</sup> s<sup>d</sup> Capt<sup>n</sup> Jacob Leisler with great wisdom and Conduct did provide for y<sup>e</sup> safety of y<sup>e</sup> said province, and did proclaime your Maj<sup>ty</sup> and your royal consort our gracious Sovereign Lord & Lady King & Queen and continued to govern the said province with great regard to your Maj<sup>ty</sup>'s interest & the good of the Country, your Maj<sup>ty</sup> having by your gracious letter dated y<sup>e</sup> 30th of July, 1689, been pleased to confirme him in the said government till further orders, that upon the 28th of January last Capt<sup>n</sup> Richard Ingoldesby arrived there from England with some soldiers, who required the possession of y<sup>e</sup> s<sup>d</sup> fort. But he having no orders for that purpose, the said Capt<sup>n</sup> Leisler was advised by the principall inhabitants not to surrender the same before the arrivall of Col<sup>o</sup> Slougher (now deceased) who your maj<sup>ty</sup> had appointed to be Governor & was shortly after expected, or till your Maj<sup>ty</sup>'s pleasure was known. Whereupon y<sup>e</sup> s<sup>d</sup> Capt<sup>n</sup> Ingoldesby in an hostile and dreadfull manner, did assemble and arne great numbers of French and Papists and others disaffected persons, and besieged y<sup>e</sup> s<sup>d</sup> fort, and continued to be in arms to the great terrour of your Maj<sup>ty</sup>'s liege subjects, about Six weeks till y<sup>e</sup> s<sup>d</sup> Governor Slougher did arrive which was on the 19th of March last. Whereupon the said Captain Leisler, having notice thereof, was willing to surrender y<sup>e</sup> fort to Govern<sup>r</sup> Slougher, and accordingly did surrender the same, on the 20th of March. But the s<sup>d</sup> Governor Slougher and the s<sup>d</sup> Ingoldesby confederating with divers wicked and dis-

affected persons to your majesty did in an arbitrary and illegal manner cause the said Cap<sup>a</sup> Leisler who had on all occasions demonstrated great zeal and fidelity to your Maj<sup>ty</sup>'s service, to be imprisoned and to be accused. Tryed and condemned on the pretence of high Treason and have since executed him and one Mr. Jacob Milborne, and have sentenced to death several other of your Maj<sup>ty</sup>'s faithful subjects on the like false pretence, and by divers illegal and unjust practices against your petitioners and great numbers of your majesty's people in the said province have most cruelly oppressed them, Confiscating their estates and goods and forcing them to depart the said province for the preservation of their lives. By which barbarous and cruel proceedings the said Country is like to become desolate, the greatest part of the inhabitants having been necessitated to depart the s<sup>d</sup> Province whereby they and your petitioners will be utterly ruined, if your Maj<sup>ty</sup> is not graciously pleased to prevent y<sup>e</sup> same.

Your Peti<sup>r</sup> therefore humbly implore your most sacred Maj<sup>ty</sup> to take the premisses into your royal consideration and in regard thereof (and of the French neighborhood to the said province) to appoint a Governor who is well experienced in Warr, and by whose wisdom and conduct, the said Country may be restored and settled in Peace, and the Inhabitants leaving y<sup>e</sup> same, and to make such further orders herein for the preservation of y<sup>e</sup> s<sup>d</sup> Province and for the relieff of your petitioners and their fellow sufferers as to your princely goodness shall seem meet.

And your petitioners as in duty bound shall ever pray.

(Signed) JACOB MAURITZ, JOHANNES PROVOOST,  
JOHN THOMAS, JACOB WYLLEMS.

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MEMORANDUM FOR AN AFFIDAVIT—INCOMPLETE.

*Dit Sijn de tergatoris van Jacop Maris die Ick beantwoort, heb als onder in't Jaer 1694 den 31 Julij.*

That in or about y<sup>e</sup> month of Feby. March, April,

May, or the beginning of June, 1689, news came that y<sup>e</sup> Prince of Orange was Landed in England by Andrew Grevenraet and since by Claes Gerrits' Sloop a Barbades that he with y<sup>e</sup> princess was proclaimed King and Queen of England France and Ireland & of y<sup>e</sup> Dominions thereunto belonging and Francis Nicholson the then L<sup>t</sup> Governor left the Government of Niew York.

That in or about y<sup>e</sup> month of June, 1689, the chiefe inhabitants of New Yorke did meet together to advise what to doe, and Capt<sup>n</sup> Jacob Leisler & y<sup>e</sup> other Captyns with their advice proclaimed their Maj<sup>ties</sup> Wm. & Mary King & Queen of England France & Ireland & the dominions thereunto belonging, whereupon the Committees for y<sup>e</sup> province chosen by free votes of y<sup>e</sup> people did chuse Capt<sup>n</sup> Jacob Leisler and made him Comander of y<sup>e</sup> fort for service of their Maj<sup>ties</sup> K. Wm. & M. till orders should come & y<sup>e</sup> said inhabitants did promise to assist him.

That in or about y<sup>e</sup> month of August, 1689 the said Comittees of y<sup>e</sup> People, did impower & made y<sup>e</sup> s<sup>d</sup> Jacob Leisler Comander in Chiefe of y<sup>e</sup> province of New Yorke, till orders should come from their Maj<sup>ties</sup> & y<sup>e</sup> chief off y<sup>e</sup> people under their hands and seals did engage to assist him.

That y<sup>e</sup> s<sup>d</sup> Jacob Leisler by virtue of y<sup>e</sup> premises toke y<sup>e</sup> Govern<sup>t</sup> of s<sup>d</sup> Province of New York upon him and continued in y<sup>e</sup> possession for there maj<sup>ties</sup> service severall months before any order came.

That in or about y<sup>e</sup> month of December, 1689 came here a warrant from the King to Francis Nicholson & in his absence to such who for y<sup>e</sup> time being take care for preserving y<sup>e</sup> peace & administering the laws in New Yorke by one Mr. Riggs, w<sup>ch</sup> warrant was by him brought in y<sup>e</sup> fort, & discoursing in y<sup>e</sup> presence of Fredrick Phillips & Stephanus Van Cortlandt as alsoo this deponent & more people, to Capt<sup>n</sup> Jacob Leisler who was then in possession of y<sup>e</sup> Government & did say I will not be hanged for you Mr. Phillips or for you Mr. Cortlandt but if you Capt. Jacob Leisler demand it

and give me a receipt, I shall deliver it to you which was promised & done accordingly, & thereupon y<sup>e</sup> s<sup>d</sup> Capt<sup>n</sup> Leisler accept of y<sup>e</sup> s<sup>d</sup> Govern<sup>t</sup> & with y<sup>e</sup> Chiefe of y<sup>e</sup> Inhabitants & in a greate number did proclaime their majesties again including Scotland, w<sup>ch</sup> before was not expressed & did chuse sever<sup>l</sup> Councillors & acted as their lawful Gov<sup>r</sup> giving out all sorts of commissions, calling an assembly, making with them laws & orders for y<sup>e</sup> government, remaining so in possession about one yeare before any order came & y<sup>e</sup> principall of y<sup>e</sup> people did subscribe to assist him in the same.

That Jacob Leisler when in possession of N. York Government having received advice that war was proclaimed in England against y<sup>e</sup> French King & his subjects, did also in New York, & did grant Comissions & in particular to one Francis Goderis & Wm. Mason to take of y<sup>e</sup> French King & his subjects Ships & Goods & to bring them to New York for condemnation.

That y<sup>e</sup> s<sup>d</sup> Goderis did fitt out in May or June, 1690 two private men of war toke severall Ships of y<sup>e</sup> French subjects and in Particular y<sup>e</sup> Ship Peter & did bring them to New Yorke and did prosecute y<sup>e</sup> condemnation of s<sup>d</sup> ship before y<sup>e</sup> Judge of Admiralty there & other members, whereof this depon<sup>t</sup> was one, and by examination found to be a ship belonging to y<sup>e</sup> Subjects of y<sup>e</sup> French King.

That in or about y<sup>e</sup> month of September, 1690, a publick Court of Admiralty was kept at y<sup>e</sup> Citty Hall in y<sup>e</sup> Citty of New Yorke Peter de la Noy Judge & this deponent & other persons comissionated members & there was a full and usual Tryall and by Sentence of s<sup>d</sup> Court y<sup>e</sup> s<sup>d</sup> Ship was declared to be good prize.

That y<sup>e</sup> s<sup>d</sup> said ship y<sup>e</sup> St. Peter was changed of name & called y<sup>e</sup> Francis & Thomas and sold for y<sup>e</sup> use of y<sup>e</sup> Privateers in a vendue by Jacob Milborne and bought by Edward Antill for Jacob Mourits for five hundred pounds according to common discourse and was then called y<sup>e</sup> Beare w<sup>ch</sup> I have painted after s<sup>d</sup>

Ship and y<sup>e</sup> s<sup>d</sup> Jacob Mourits had s<sup>d</sup> ship in his possession.

The above is copied from an original paper of that time in the possession of Mr. Gerardus Duycking in New York it appear (sic) to me to have been the rough copy of an affidavit of Jacob Maurits\* when in England, & of the same nature with those of Robert Sinclair and others. [See pages 814-81 and *N. Y. Doc. Hist.*, II. 402. DU SIMITIERE.]

#### DEPOSITION OF CITIZENS OF NEW YORK.

Wee underwritten Cittizens of New York, doe declare and are ready to depose upon oath as followeth. That in de beginning of June anno one thousand six hundred and eighty nine the Lieut<sup>t</sup> Gov<sup>r</sup> Francis Nicollson & the inhabitants of New Yorke had public certain news that their maj<sup>ties</sup> Wm & Mary were proclaimd King and Queen of England, & and then said Nicholson left the governm<sup>t</sup> of New Yorke and withdrew from the execution thereof, being not thereunto compelled or constrained; but s<sup>d</sup> Nicolson before he went had some difference with y<sup>e</sup> militia of y<sup>e</sup> Citty (by him permitted to watch in y<sup>e</sup> Fort whoe came there with half compaignies and drum beating and relieved themselves every day by turnes) about y<sup>e</sup> stores of Powder and other annmunition, of which they would have a vew and be satisfied in iff was sufficient to resist an enemy, wherefore they were ill-treated and called rebels, and also about placing of a centry at y<sup>e</sup> Saly port in y<sup>e</sup> fort, and as hatz (sic) being deposed by several whereof y<sup>e</sup> deponents have seen y<sup>e</sup> original depositions, did threaten in his passion to pistoll one of their Corporalls and to Fire y<sup>e</sup> Townne, which made a great noise and brought the burger militia to draw into y<sup>e</sup> fort, and to send by their Serj<sup>t</sup>, to y<sup>e</sup> Citty Hall for y<sup>e</sup> Key of the Fort or magazyn, because they would inspect y<sup>e</sup> stores, but he did refuse to deliver y<sup>e</sup> same to y<sup>e</sup> Serjant, and ordered they should send a Captain or Lieutenant & he would give him y<sup>e</sup> Key, then they perswaded Capt<sup>n</sup> Lodwyk (whoe that day had y<sup>e</sup> watch in y<sup>e</sup> fort) to goe whoe went with the Serjant and some men, to y<sup>e</sup> Citty Hall and according to his

[\* That this is an error is apparent from the title and contents of the paper itself.]



promise did deliver y<sup>e</sup> Key to y<sup>e</sup> s<sup>d</sup> Capt<sup>n</sup>, which was (as y<sup>e</sup> deponents are ready to declare and have heard) a small key to open a trunk or Cabinett where y<sup>e</sup> Keys of y<sup>e</sup> fort or magazyn were in, and so they went peaceably to y<sup>e</sup> fort again, using no force or molestation against him, all which was notorious and publick discoursed, and y<sup>e</sup> stores were examined and found defective, and most of y<sup>e</sup> powder spoiled and unfitt to resist an enemy, which was since mended by y<sup>e</sup> powder maker. Since that time said Nicollson absented himself from the fort, and left it although desired by y<sup>e</sup> Serjeant Churcher that came for y<sup>e</sup> Key with y<sup>e</sup> Capt<sup>n</sup> to come to y<sup>e</sup> fort and that he could have y<sup>e</sup> Key again and when he went out to leave the same to y<sup>e</sup> Capt<sup>n</sup> in y<sup>e</sup> watch in y<sup>e</sup> fort and he abided in y<sup>e</sup> Citty the militia being in that condition severall days did take a resolution to secure and keep y<sup>e</sup> fort till order should come from Engelandt in tenor of a proclamation whereof made the third day of June, anno one thousand six hundred eighty-nine, which wee have seen. Then publick certain news came that their Maj<sup>ties</sup> were proclaimed in Engeland King and Queen of England, &c, but s<sup>d</sup> Nicollson continuing after this severall days more in the city, did not declare for their Maj<sup>ties</sup> kept to his old Commission, praying publickly for y<sup>e</sup> late King leaving his name in y<sup>e</sup> Kings arms and not discharging Popish officers, and finally y<sup>e</sup> s<sup>d</sup> Nicollson went unmolested out of y<sup>e</sup> Citty and abided severall days more in y<sup>e</sup> province, and then went away with a vessell and so uncompeled and unconstrained left y<sup>e</sup> government, and withdrew from y<sup>e</sup> execution thereof, all which y<sup>e</sup> most of y<sup>e</sup> militia can declare.

In testimony of y<sup>e</sup> truth we have hereunto set our hands in New Yorke y<sup>e</sup> 22nd day of August, ao. 1694.

(Signed)

LEENDERT HUYGEN	JACOBUS GOELET, PIETER YACOBSEN
DE KLEYN	ALBERT CLOCK, JAN 'TUNESE
CARSTEN LUERSEN,	ALBERTUS RINGO, PIETER WILLEMSE
	ROOME
JOHANNES TIEBOUT,	POULUS TURCK, JUNY <sup>r</sup>

New York y<sup>e</sup> 22<sup>d</sup> of August, 1694.

Then appeared before me Jacop Goelet, Lendert Huygen, and all the above written persons and did declare upon their oath and y<sup>e</sup> holy Evangelists the above mentioned writting and deposition to be true.

WILL. BEEKMAN, Justis.

#### DEPOSITION OF GERARDUS BEEKMAN.

New Yorke the first day of Sept<sup>r</sup>, 1694.

Then appeared before me W<sup>m</sup>. Beakman Justice of y<sup>e</sup> Peace for y<sup>e</sup> City and County of New Yorke, Gerardus Beekman and deposeth upon his oaths, on the holy Evangelists, viz<sup>t</sup>:

That at y<sup>e</sup> arrival of y<sup>e</sup> govern<sup>r</sup> Benj<sup>s</sup> Fletcher to New Yorke the prisonner brought under Condemnation delivered to him a petition, with congratulation and gladness of his arrival, hoping he came with their majesties order to release them of their miserable conveyment, which they had been forced to suffer for the true service done for their Maj<sup>ties</sup>. Whereupon he called this deponent and Abraham Gouverneur at y<sup>e</sup> Citty Hall in y<sup>e</sup> presence of Coll. Abraham de Peyster and Sheriffe Thomas Codington y<sup>e</sup> 31st August, 1692 and did say, you have petitioned to me without my Councill. I know they are your enemies, but I must rule the Country with them, you do justify yourselves in y<sup>e</sup> petition, but their Maj<sup>ties</sup> have disapproved and very ill taken y<sup>e</sup> actions of Leisler, you are under y<sup>e</sup> law and sentence of death, in cause you will not acknowledge by petition to me and Council your fault I shall execute y<sup>e</sup> law against you. I am a man of my word. I have no order from their Maj<sup>ties</sup> to set you at Liberty and shall write against you and Stop all what shall come in your favour, but in case you do it I shall release you, by y<sup>e</sup> threatenings of death y<sup>e</sup> s<sup>d</sup> Prisonners made a petition accordingly, expressing therein in cause their Maj<sup>ties</sup> were displeased in what was acted, then

they were sorrow for it, and upon it they were sett at Liberty. (Signed) Wm. BEEKMAN,

*Justis.*

NOTES OF THE EXAMINATIONS BEFORE THE COMMITTEE OF  
THE HOUSE OF COMMONS.

[*The Bill for Reversing the Attainder of Jacob Leisler and others* was delivered in to the Lords on the 2d April, 1695, and had a first reading on the 8d. On the 4th, it was read a second time and its consideration committed to thirty-four Lords or any five of them—the words “arbitrarily, illegally and unjustly” being left out of the bill. On the 9th, it was reported with amendments, which were read twice and agreed to, and the Bill was ordered to be engrossed. On the 10th, it was read the third time and passed. It was sent to the House of Commons on the same day, when it was read a first time, and ordered for a second reading on the 11th. On the 12th it was read the second time and referred to a Committee of forty members. On the 16th it was reported without amendments, and recommitted on the 17th. On the 18th, authority was given to the Committee to send for persons and papers. On the 22d a vote was passed that “all that come to the Committee” should “have voices”—from which it appears that members of the House who were not on the Committee were interesting themselves in its proceedings. On the 30th April, the Bill was again reported, without amendments, and on a motion to recommit the House divided, and it passed in the negative—88 to 84. On a motion that the Bill be now read, there were 87 against it to 85 for it. On the 2d of May, the motion that the Bill be read the third time prevailed by a vote of 49 to 86. It was accordingly read and then passed, and Sir Henry Ashurst was ordered to carry the Bill to the Lords and acquaint them that the House of Commons “hath agreed to the same, without any amendments.” Being thus returned,—as the last act of the Session, which terminated on the 8d of May, the Royal Assent was pronounced—“*Soit fait come il est désiré.*”]

*Informations taken by y<sup>e</sup> Committee of y<sup>e</sup> House of Commons before the passing off the Bill for the reversal of Jacob Leisler's attainder.*

*Mercurij 24 die Aprilis. [1695.]*

The Committee met and y<sup>e</sup> Secretary of y<sup>e</sup> Court of Admiralty produced y<sup>e</sup> depositions and other papers sent from New York. Then y<sup>e</sup> Committee proceeded to examine such persons as opposed y<sup>e</sup> Bill, viz<sup>t</sup>

Mr. DUDLEY saith that he had no notice of this Bill untill he saw it in y<sup>e</sup> votes.

That the persons to be restored are foreigners the one a german and the other a frenchman and so have no right to be restored.

Saith that Col<sup>o</sup> Nicholson was the Lieut<sup>t</sup> Govern<sup>r</sup> at y<sup>e</sup> time that y<sup>e</sup> bill suggested Leisler was Com<sup>an</sup>der in chief.

That y<sup>e</sup> King's letter was directed to Col<sup>o</sup> Nicholson or to such persons as had the command there.

That Capt<sup>n</sup> Leisler was in y<sup>e</sup> Fort before Col<sup>o</sup> Nicholson arrived.

That Major Ingoldesby arrived before Mr. Dudley arrived and that he informed Leisler that Col<sup>o</sup> Slaughter was coming but Leisler refused (to) admit him.

*Jovis 25<sup>o</sup> Apr.*

That Col<sup>o</sup> Nicholson was Governor there at y<sup>e</sup> time of y<sup>e</sup> Revolution.

That y<sup>e</sup> government was in y<sup>e</sup> prince and princess of Orange.

That Capt<sup>n</sup> Leisler entered y<sup>e</sup> fort and turned out Nicholson and about 30 soldiers.

That y<sup>e</sup> day after Nicholson went away Leisler entred.

That he imprisoned severall that were of y<sup>e</sup> Kings Councill.

That he broke y<sup>e</sup> peace and laws and committed great abuses by taking away goods from y<sup>e</sup> people, he thrust Nicholson out of the Castle and put severall of y<sup>e</sup> Councill into y<sup>e</sup> dungeon.

That Major Ingoldesby arrived about six weeks before Col<sup>o</sup> Slaughter and came and shewed his Commission & desired entrance & that Maj<sup>r</sup> Ingoldsby had two Comp<sup>ies</sup> of Grenadeers.

That upon y<sup>e</sup> 16<sup>th</sup> of March 1691 Capt<sup>n</sup> Leisler set out a paper to let y<sup>m</sup> know that if the soldiers would not depart from y<sup>e</sup> town he would beat y<sup>e</sup> town about their ears.

That Gouverneur shot a poor man dead being y<sup>e</sup> parish Clerk.

That he saw a poor Carter shot and another shot through y<sup>e</sup> thigh.

That Col° Slaughter sent Maj<sup>r</sup> Ingoldesby to demand y° fort, who answered that there was no room for Slaughter.

That he sent a 2<sup>d</sup> time to demand y° fort & received y° same answer, but at last would admit him if he would come in blindfold.

The 3<sup>d</sup> time he went to demand y° fort and that he had y° same answer.

But y° next day Capt<sup>n</sup> Slaughter put out a paper to indemnify such as would quit y° Fort and thereupon they came out of y° Fort and about 20 seized him & delivered him up to C<sup>olo</sup> Slaughter.

That a commission of Oyer & Terminer was issued out to twelve gent<sup>n</sup> whereof he was one and was eight days before y° Court and refused to plead upon which judgment was passed against him.

That Col° Slaughter gave him a reprieve for 10 days in all which time he never submitted to Col° Sloughter.

That Col° Fletcher sent out a warr<sup>t</sup> to apprehend Gouverneur as a disturber of y° peace.

That Col° Sloughter lay at anchor at y° time when this disturbance happened.

That Col° Nicholson was turned out by Leisler and y° rabble and he came into England and submit to his Maj<sup>ty</sup>

Q. What day Col° Slaughter came to anchor.

Ans. Saith that y° day after y° people were killed in y° town.

Q. When he landed.

Q. Whether Col° Sloughter opened his Commission before he landed.

A. Knows not.

Q. Whether he was present when his Commission was read.

A. That he was present and heard it read.

Q. Whether (after the publication of his Commission) Leisler refused to deliver y° fort.

A. That he denied it three times and held up his hat and saith there was no room for Sloughter.

Q. Whether he was present when Ingoldesby demanded y<sup>e</sup> Castle of Leisler.

A. He was y<sup>e</sup> third time. |

Q. Whether De la Noy and Milborne did not come out to offer y<sup>e</sup> fort to Col<sup>o</sup> Sloughter.

A. That De la Noy and Milborne did not come to offer any such offer.

Mr. ANTHILL. That he was Mr. Milborne's council and that there was an Indictement ag<sup>st</sup> Gouverneur for killing y<sup>e</sup> parish klerk wch. he saw and this was about 4 days before Col<sup>o</sup> Slaughter arrived.

Q. Whether Leisler refused to plead when he was tried.

Ans. That when they were called to plead they say they could not submit to Col<sup>o</sup> Slaughter Com<sup>a</sup>

That Leisler and Milborne objected ag<sup>st</sup> Mr. Dudley and said that he was not a Competent Judge.

Q. Whether any question was put to the Court by them wch. they desired to be resolved before they pleaded.

Ans. That there was a paper delivered to y<sup>e</sup> Court, but he knew not y<sup>e</sup> contents.

Q. Whether all was ordered to withdraw upon y<sup>e</sup> delivery of y<sup>e</sup> paper.

Saith yes.

Mr. DUDLEY when they came the second time they refused to plead & the offered a paper & y<sup>e</sup> y<sup>e</sup> contents of y<sup>e</sup> paper was that they desired to be tried in England.

Q. What was the reason y<sup>e</sup> people was ordered to withdraw

*Veneris 26<sup>o</sup> die Aprilis.*

The Committee met and Mr. Povey produced a letter from y<sup>e</sup> Councill at New York to y<sup>e</sup> Lord Shrewsbury.\*

Adj<sup>d</sup> till 6 in y<sup>e</sup> afternoon.

[\* See New York Colonial Doc., III. 585.]

*Post Meridiem.*

Mr. ANTHILL saith in April '89 they had an account of the p<sup>o</sup> of Orange was landed in England whereupon Coll<sup>o</sup> Nicholson called a Councill A shipp arrived there laden with wines and that there was a duty of 4 p<sup>a</sup> a pipe to y<sup>e</sup> government but Leisler refused to pay it, but got y<sup>e</sup> wines into cellars and upon this the rabble was up and Leisler took y<sup>e</sup> Fort and put out all y<sup>e</sup> souldiers and afterwards Leisler sent out some people in arms to demand y<sup>e</sup> keys of y<sup>e</sup> fort.

That he after joined w<sup>th</sup> a parcel of people wch. he called his counsell and issued out warrants to apprehend several of y<sup>e</sup> King's Council.

That he issued out orders to comānd all who had Commissions in y<sup>e</sup> former government to surrender their Commissions to him and some refusing he put in prison several of them.

Q. Whether he was appointed Mr. Leisler councill.

Ans<sup>w</sup>. He was.

That one Milborne afterwards arrived from Holland who was made one of Leisler councill he gave information that y<sup>e</sup> Pr. of Orange was landed in England and he encouraged the Insurrection there.

That he said he was sorry that they left Nicholson go away to England.

That Leisler declared himself Vice Admiral of the Seas and granted Commissions to several.

That upon y<sup>e</sup> arrival of Major Ingoldsby the Governour was gone to Bermudas & demands Entrance into y<sup>e</sup> fort for his himself & soldiers & y<sup>t</sup> Leisler refused and issued out a Proclamation that whoever should adhere and assist Col<sup>o</sup> Ingoldsby should be declared enemies.

That he raised rebellion there and several people were shot to death others wounded and some others imprisoned.

That when Col° Slougher arrived he with the whole Council went into y° Stadt House and his Com<sup>on</sup> was read and he was sworne and then he sent Col° Ingoldsby to demand y° Fort who made answer that he would call a councill and consider of it & so Col° Ingoldsby came and demanded y° fort three times.

That that night several of Leisler men deserted & y° next day Col° Ingoldsby came to y° Castle and the gate was thrown open and Leisler stood at y° head of his men and Col° Ingoldsby bid them lay down their arms.

*Q.* Mr. Nicholson at any time refuse to declare for y° Prince of Orange.

*Ans.* He never did.

He saith that Leisler seized the fort before Nicholson went off.

Nicholson lay severall days at Frederick Phillipse's house after Leisler seized y° fort.

Saith that he seized the fort in the name of the prince of Orange.

*Q.* Whether y° man which was killed from y° was was (sic) before Col° Slougher landed

*Ans.* It was before he landed.

*Q.* Whether there was any acts of hostility committed by Col° Ingoldsby.

*Ans.* Saith that some guns were discharged.

*Q.* Whether any guns was planted against y° fort.

*Ans.* Saith there was.

*Q.* Whether the fort fired upon y° town or y° town against y° fort.

Saith y° fort fired upon y° town first.

*Q.* Whether Major Ingoldsby shewed Leisler his Com.

*Ans.* He cannot tell but he heard him say he had.

*Q.* Capt. Leisler did not offer to Col° Ingoldsby a kind reception for him and his men.

*Ans.* He never heard he did.

*Q.* Whether a shot came from Town at one of Leisler men in a boat.



*Ans.* He did hear there was a man shot in a boat.

*Q.* What day did Leisler's proclamation come out.

*Ans.* It was as soon as ever Ingoldsby landed, Resolutions received.

*Q.* Whether these resolutions were after Capt<sup>n</sup> Leisler was Tried or before.

*Ans.*

*Q.* Whether those that made these resolutions . . .

Mr. FARWELL that he arrived at New York in March about a week before Col<sup>o</sup> Sloughter.

That a Com<sup>on</sup> of Oyer & Terminer was issued out to try Leisler & others.

And Leisler and Milborne were arraigned and they refused to plead saying they had no power to try them but desired to be sent into England.

That Capt<sup>n</sup> Leisler desired before he pleaded to have his Com<sup>on</sup> read.

But y<sup>e</sup> Court said if he would plead that Com<sup>on</sup> and whatever else he had to offer to be read.

*Q.* Whether they were tried upon one or two Indictments.

Saith it was upon two indictments.

That there was a Petition exhibited to y<sup>e</sup> Councill and a hearing for severall days.

And upon y<sup>e</sup> petition the Councill made a report that Leisler and Milborne was executed according to law.\*

Saith that he hath seen a proclamation of warr under Capt<sup>n</sup> Leisler and Milborne's hands declaring warr ag<sup>t</sup> Ingoldsby and all his adherents.

And alsoe a letter writ by Leisler directed to one Brazier wherein he had a design to destroy y<sup>e</sup> whole Town.

Adjourned till tomorrow morning eight o'clock.

*Sab<sup>th</sup> 27 die Aprilis, 1695.*

The Committee met and adjourned till 4 in y<sup>e</sup> afternoon.

[\* See *New York Colonial Doc.*, III. 837.]

*Lune 29<sup>o</sup> die Aprilis, 1695.*

The Committee met and Mr. Dudley appeared.

Q. Was asked Mr. Dudley how Mr. Anthill came to be Mr. Leisler's Councill.

A. Mr. Leisler made choice of him.

Capt. FOSTER Saith that Leisler was in possession of y<sup>e</sup> fort when he came there.

That he had laine at New York for six weeks very quiet.

That there was a Complaint that some of Col<sup>o</sup> Ingoldsby's Souldiers, had committed abuses in y<sup>e</sup> town, for which complaint was made whereupon Col<sup>o</sup> Ingoldsby appointed Soldiers to walk the rounds for which Leisler was offended.

That afterwards there was a disturbance happened and some guns was discharged from y<sup>e</sup> Fort & some from y<sup>e</sup> Town against y<sup>e</sup> Fort.

That there was no disturbance for a month or Six weeks after Col<sup>o</sup> Ingoldsby came.

That when he landed he heard people say that Leisler was Capt<sup>n</sup> General or Governor.

Q. What Councell was it came aboard to Ingoldsby.

A. They were designed to be of Col. Sloughter.

Q. How Col<sup>o</sup> Leisler behaved himself after Col<sup>o</sup> Sloughter arrived.

A. When he arrived he went to y<sup>e</sup> Stadt House his Com<sup>on</sup> read & he was Sworn & sent to demand y<sup>e</sup> Fort.

Q. Whether Leisler delivered y<sup>e</sup> Fort peaceably.

A. Y<sup>e</sup> gates was opened the next morning and y<sup>e</sup> fort delivered.

Q. The Patroll was sent out by Capt<sup>n</sup> Leisler or Col<sup>o</sup> Ingoldsby.

Ans. Saith it was sent out by Col<sup>o</sup> Ingoldsby.

Q. Who he tooke to be the Chief Commander before Col<sup>o</sup> Sloughter arrived.

Ans. Leisler was esteemed by some to be y<sup>e</sup> Chief Governour.

**Q.** Whether after Ingoldesby came those who were y<sup>e</sup> Councell for Sloughter opposed.

**Ans.** They did not oppose.

**COUNCELL FOR LEISLER.**

Saith that if Capt<sup>n</sup> Leisler was constituted Chief Governour by y<sup>e</sup> people then he committed no Treason.

That what Col<sup>o</sup> Dudley has offered has been nothing to the purpose.

That Col<sup>o</sup> Slaughter landed y<sup>e</sup> 19th & y<sup>e</sup> indict<sup>t</sup> sets forth y<sup>e</sup> treason committed y<sup>e</sup> 17th and therefore y<sup>e</sup> indict<sup>t</sup> void.

That Nicholson refused to proclaim K. Wm. and Q. Mary.

**Mr. GOUVERNEUR** That he was in N York when news came that K. Wm. was landed in England.

That he was one that was appointed to go y<sup>e</sup> rounds & he said Nicholson was drawing (sic.)

That Leisler was appointed Governor of y<sup>e</sup> Fort by y<sup>e</sup> Government.

That Col<sup>o</sup> Ingoldesby arrived & Sent to demand y<sup>e</sup> fort & Capt<sup>n</sup> Leisler answered y<sup>t</sup> if he had any authority he should have y<sup>e</sup> fort.

That he found a protestation issued out by Ingoldesby to excite people to raise arms.

That he see severall guns planted by Ingoldesby people.

That severall guns was discharged both from y<sup>e</sup> fort and from y<sup>e</sup> Town.

**March y<sup>e</sup> 19th** Major Ingoldesby came to y<sup>e</sup> fort and demanded entrance & was admitted and Ingoldesby told Leisler y<sup>t</sup> Col<sup>o</sup> Slaughter demanded y<sup>e</sup> fort & Leisler answered that if Col<sup>o</sup> was arrived and would show his Commission he was willing to surrender his fort.

That when y<sup>e</sup> fort was delivered Capt<sup>n</sup> Leisler was seized & about 27 more and were comitted to prison eight days before a mittimus was made.

That when they came upon his Tryal he was told he

had a way to save his life that if he would y<sup>e</sup>  
Leisler set him on. (sic)

Q. How long he lay in prison.

A. 17 Weeks and odd days.

Q. How came he out.

A. Col<sup>o</sup> Fletcher let him out by y<sup>e</sup> queen's letter.

When Col<sup>o</sup> Fletcher arrived he was in prison & he petitioned him & he was called up before him & asked how he dared to pet<sup>n</sup> him he ought to be hanged & he should be hanged if he did not acknowledge his offence whereupon he was forced to petition y<sup>e</sup> Council.

Mr. LEISLER That upon y<sup>e</sup> 31st of May the Capt<sup>m</sup> of y<sup>e</sup> militia took possession of y<sup>e</sup> fort & afterwards a Gen<sup>l</sup> Assembly was called & they chose Capt<sup>m</sup> Leisler Commander in chief.

In Jan<sup>y</sup> Ingoldesby arrived & demanded possession of y<sup>e</sup> fort from Capt<sup>n</sup> Leisler who said if they had any authority he would deliver it.

That he saw several guns planted against the fort.

That when Col<sup>o</sup> Sloughter arrived he sent Ingoldesby to demand y<sup>e</sup> fort & Capt<sup>n</sup> Leisler sent two, viz: Milborne and De la Noy to see whether Col<sup>o</sup> Sloughter was come but they never come back.

That he was sent to prison & remained 6 days without a mittimus.

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#### AN ANSWER TO THE REASONS AGAINST LEISLER'S BILL

Annexed to a printed Act for Reversing the Attainder of Jacob Leisler and others, I found the following printed on the same sheet. [DU SIMTUMS.]

Humbly offered to the consideration of the Honourable  
House of Commons.

The Preâble of the said bill affirms these Particulars:  
viz:

- 1st. The Inhabitants of New York in their general assembly constituted Capt<sup>n</sup> Jacob Leisler their Commander in chief, till their majesty's pleasure should be known therein.

- 2d. that the said Capt<sup>n</sup> Leisler was afterwards confirmed in the said command by his Majesty's letter, dated July 30, 1689.
- 3d. that the said Capt<sup>n</sup> Leisler having the administration of the said Government by virtue of the said power and authority so given and confirmed to him as aforesaid; and being in the exercise thereof, Cap. Ingoldsby in January, 1690 did demand of the said Leisler, Possession of the fort at New York, without Producing any legal authority for such demand; but the said Leisler (pursuant to the Trust in him reposed) refused to surrender to the said Capt<sup>n</sup> Ingoldsby the said forts, and kept possession thereof till March then following.
- 4th. that in the said month of March, Coll. Henry Slaughter (being by their majesties constituted Cap<sup>n</sup> General, and Governor in chief of the said province) arrived at New York; and as soon as Capt<sup>n</sup> Leisler had received certain notice of his arrival, he took immediate care for delivering up the said fort to the said Coll. Slaughter's order, which was accordingly done very early the next morning.
- 5th. That the said Capt. Leisler, Jacob Milbourn, Abraham Gouverneur and several others, were at New York arraigned, convicted and attainted of high treason and felony, for not delivering the Possession of the said Fort to the said Richard Ingoldsby: and the said Leisler and Milbourn were executed for the same.

The Reasons against this bill pretend, that all the said particulars are mistaken in matter of fact, as appears by the records of that Province.

*Ans.* Were all records in fact true, and never in Parliament to be contradicted, no attainders would ever be there reversed: But for the gentleman who opposed this bill, to produce copies of Records (if any such can now be produced) to prove the

truth of the crimes, viz: the Treason, Felony, &c. mentioned in the Records, in this he would prove a thing by itself, but the falsity of those facts is the thing in the bill complained of, and for which reason his present maj<sup>ty</sup> was graciously pleased to give his royal leave, for the bringing this bill into Parliament.

The state of the case, (as it was proved at New York) is particularly thus, viz: When Capt<sup>n</sup> Nicholson in Feb<sup>r</sup> 1688 was Lieut. Gover<sup>r</sup> of New York, he had an account by Andrew Greverard, that his present Majesty was arrived in England: Whereupon the said Capt<sup>n</sup> Nicholson shew<sup>d</sup> a great dislike to that news, and would do nothing in favor of then Prince of Orange's interest. Some time after, Capt<sup>n</sup> Nicholson was informed by persons that came from New England, that such as were well affected to the protestant interest, had seized Sir Edmund Andross the then Governor of New England and New York, &c. and some others in authority under him, and declared for the then Prince of Orange. As soon as Capt. Nicholson received the news from New England, he turned the guns in the fort upon the Town, and called a Council of Civil and Military Officers, in which Council he then produced his Commission from King James and declared he would stand by that Commission and at the same time he without giving any publick notice to that Council, privately dispatched a messenger for England. Some short time after this the militia and inhabitants of New York, who were well affected to the protestant interest unanimously took and seized upon the fort & demanded of Capt<sup>n</sup> Nicholson the keys thereof; which he did thereupon deliver. The militia and other inhabitants thus in arms declar'd for the then Prince of Orange and protestant interest; and the Captains of the militia (of which Capt<sup>n</sup> Leisler was one) by turns commanded in the fort. Some time after this Capt<sup>n</sup> Nicholson being at New York, (but not acting in the government then as before, under the command of the militia) there came news that King William

and Queen Mary in England were declar'd King and Queen of England &c. Soon after which Capt<sup>n</sup> Nicholson left New York.

The militia having (as before observed) the government in their hands, & by some Ships (but not from authority) receiving the Proclamation, wherein the King and Queen were proclaimed, the Captains and Inhabitants proclaimed K. W. & Q. M. and thereupon writ circular letters to all parts, to chuse representatives for a general assembly upon that juncture, which was accordingly done, and in June, 1689, that assembly met, and constituted Capt. Leisler Captain of the fort, for their Majesties' service till order from their Majesties.

In August then following, that assembly met again ; and then constituted the said Capt<sup>n</sup> Leisler Commander in chief of the whole Province, till his majesty's pleasure should be known in the premises.

In the month of December, 1689, Capt. Leisler being as above commander in chief, there was brought to New York a letter from his majesty, thus directed, (viz) to our trusty and well beloved Francis Nicholson, Esq<sup>r</sup> our Lieut<sup>t</sup> Gov<sup>r</sup> & Commander in chief of our province of New York in America. And in his absence to such as for the time being, take care for preserving the peace and administring the laws in our said province of New York in America.

When this letter thus directed was brought to the fort at New York, M<sup>r</sup>. Frederick Phillips and some others that were of Capt. Nicholson's Council (whilst he had the Government) demanded from the messenger the said letter, which he refused, telling them that he would not be hanged for any of them. But the said messenger told Capt<sup>n</sup> Leisler that if he would demand it, & give a receipt for the same, he should have the letter, which Capt<sup>n</sup> Leisler agreed to, and thereupon received the said letter.

By virtue whereof he did continue in the said Government till Coll. Slaughter's arrivall.

All this was particularly proved at New York in

July last before the Commissioners appointed by the Court of Admiralty; the attorney general of New York, three of the council, the Mayor of New York, and three others being the Commissioners that took these depositions, when all persons whose interest it was to have disproved those particulars were fairly heard.

Whereas it is pretended, that all but about 30 deserted Capt. Leisler that night Coll. Slaughter arrived at New York, and the next morning the rest delivered up Capt. Leisler prisoner: it is positively to be proved that about 300 that very morning by Leisler's command laid down their arms and then marched out of the fort.

Capt<sup>n</sup> Ingoldsby by his commission was obliged to obey such orders as he should from time to time receive from his Maj<sup>ty</sup>, and Coll. Slaughter (the Governor) or the Commander in Chief for the time being.

Capt<sup>n</sup> Ingoldsby arrived at New York about six weeks before Coll. Slaughter and (as before observed) without producing any authority under Coll. Slaughter's hand demanded of Leisler y<sup>e</sup> possession of y<sup>e</sup> fort.

It's humbly conceived before the arrival of Slaughter within that province, of which he was constituted Governour; Capt. Ingoldesby was oblig'd to obey the orders of Capt. Leisler, and not Capt. Leisler subject to the command of Capt Ingoldesby for Coll. Slaughter having not before his arrival at New York, under his hand and seal given any authority to Capt. Ingoldsby to demand that fort (not as is humbly conceived legally could till his arrival within that Province) Capt Leisler being the Commander in chief at New York. Ingoldesby by his own commission was obliged to obey Capt<sup>n</sup> Leisler's orders; so that whereas Leisler and others were tryed, convicted and executed, as traytors for not delivering the fort to Capt Ingoldsby, It's humbly conceived that had Capt<sup>n</sup> Ingoldesby (before the arrival of Col<sup>o</sup> Slaughter at New York) been arraigned of high Treason for laying siege against that fort when Capt Leisler was then there, as before, commander in chief of the Province; it might have gone in strictness



of law, hard against Capt Ingoldsby, seeing in his so laying siege he waged war against the commander in chief of that Province to whose orders (before Coll. Slaughter's arrival) by the express word of his commission he owed subjection. But this very Capt<sup>a</sup> Ingoldsby, who with several before Coll. Slaughter's arrival at New York were in arms against the fort, were some of the very judges before whom Capt<sup>a</sup> Leisler and the rest were tried, convicted, and condemned as traitors for the (pretended) crimes aforesaid.

As for the murder pretended to be committed by Gouverneur in defense of the Fort against Capt. Ingoldsby, if any persons were killed in that defence, before Coll. Slaughter legally demanded the Fort, its humbly conceived that the Blood of him and of all others so slain, ought properly and legally to be charg'd against them who were the criminals in that war. And whether the then Commander in Chief, & such as acted under his command or Capt<sup>a</sup> Ingoldsby who (as before observed) acted point blank against the Kings Commission, were the offenders therein, will soon appear before the honorable members to whose consideration the premises are committed.

The Premises considered, it's humbly hoped that this honourable house will now pass the bill, and not oblige those interested in the passing thereof, to summon the Persons from New York concerned in the trial of Capt<sup>a</sup> Leisler to shew cause to the contrary, seeing such have already been fully heard before the aforesaid Commissioners at New York in July last, when and where the particular narration was fully proved.

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#### THE CASE OF MR. JACOB LEISLER.

That upon the late happy revolution the inhabitants of his Maj<sup>ties</sup> Province of New York did desire y<sup>e</sup> then Lieut Govern<sup>r</sup> & Council to declare for his majesty which was already done at Boston by the inhabitants there, but y<sup>e</sup> same was denyed by them Capt<sup>a</sup> Nicholson

the Lieut<sup>e</sup> Governor alledging that he would own no authority but that of y<sup>e</sup> late King and would stand by the Commission he had from s<sup>d</sup> King as long as he lived, whereupon the inhabitants possessed themselves of the fortress & examined y<sup>e</sup> stores leaving y<sup>e</sup> Gov<sup>r</sup> to consider whether he would declare for his Majesty, which he did not, & withdrew himself out of y<sup>e</sup> government y<sup>e</sup> inhabitants thereupon in general assembly appointed Capt<sup>n</sup> Leisler first Capt. of y<sup>e</sup> Fort and afterwards Commander in Chiefe untill his Maj<sup>ties</sup> order should arrive, who caused their majesties authority over said province to be declared and built severall Fortifications and so continued till one Mr. Riggs arrived from England with a warrant from his Maj<sup>ties</sup> directed to Francis Nicholson and in his absence to such as for y<sup>e</sup> time being take care for y<sup>e</sup> preserving of y<sup>e</sup> peace and administration of y<sup>e</sup> laws in y<sup>e</sup> s<sup>d</sup> province Capt<sup>n</sup> Nicholson having in a manner aforesaid deserted y<sup>e</sup> government & Capt. Leisler then Commander in chief it was resolved that the execution of y<sup>e</sup> s<sup>d</sup> warrant belonged unto him which he accordingly did untill the 28th Jan<sup>r</sup> 1690 when Capt<sup>n</sup> Ingoldsby arrived from England with some soldiers who demanded the Possession of s<sup>d</sup> fort without producing any authority from his Maj<sup>ties</sup>, or Col<sup>o</sup> Sloughter the then appointed Governor from whom he parted at Sea & therefore was denied y<sup>e</sup> same until y<sup>e</sup> Gov<sup>r</sup>s arrival or his Maj<sup>ties</sup> Commands that thereupon the said Ingoldsby together with Mr. Dudley, Philipse, Cortlandt and others did in a dreadfull & hostile assemble to themselves negroes, papists, and other persons & so in a warlike manner arrayed laid close to y<sup>e</sup> s<sup>d</sup> fort Mr. Dudley taking upon him to call to himself some persons which were nominated of the Councell to collect and with him to set as a Council before they had their warrants for y<sup>e</sup> same or the Governor was arrived who did uphold y<sup>e</sup> s<sup>d</sup> Ingoldsby in his s<sup>d</sup> unwarrantable practices notwithstanding the several declarations & protestations made against them by the s<sup>d</sup> Leisler & so continued in this terrible manner untill the 19th day of March

then foll<sup>s</sup> when Col<sup>o</sup> Slaughter arrived, Capt<sup>n</sup> Leisler had no sooner notice thereof (altho' late at night) but sent two gentlemen to congratulate his arrival & offer the fort & govern<sup>t</sup> to him or their maj<sup>ties</sup> governour but without being heard were committed to y<sup>e</sup> common goal y<sup>e</sup> next morning at sunrise Capt<sup>n</sup> Leisler sent a letter to y<sup>e</sup> s<sup>d</sup> Governor desiring him to send some persons to receive y<sup>e</sup> fort which he did but immediately caused s<sup>d</sup> Leisler and others to be committed to prison & afterwards indicted for high treason & felony before Joseph Dudley, Capt<sup>n</sup> Ingoldsby &c. Parties concerned as aforesaid for not having delivered y<sup>e</sup> s<sup>d</sup> fort to y<sup>e</sup> s<sup>d</sup> Ingoldsby & his associates. M<sup>r</sup>. Leisler and M<sup>r</sup>. Milborne demanded of y<sup>e</sup> judges whether y<sup>e</sup> authority whereby they had acted was legall or not, which question they desired might be resolved before they pleaded, but they refused to resolve it. Mr. Leisler and Milborne thereupon alledged that before it was resolved they could not plead, but did appeal to the Kings maj<sup>ties</sup> desiring to be sent for England which was refused, and they were by y<sup>e</sup> s<sup>d</sup> judges condemned as mutes and afterwards barbarously put to death the six other persons were in like manner indicted & pleading not guilty were brought in guilty for having assisted Capt<sup>n</sup> Leisler as aforesaid, y<sup>e</sup> Judges and particularly M<sup>r</sup>. Dudley alledging that Leisler had no legall authority at all.

[At the end of a ruff (sic) copy of the above case & mostly in the same words, tho' appears to have been intanted (sic) for the house of Commons, is the following. Du SIMITIÈRE.]

& inasmuch as his Maj<sup>ty</sup> being sensible of y<sup>e</sup> hardship of y<sup>e</sup> case of y<sup>e</sup> s<sup>d</sup> Jacob Leisler, Jacob Milborne & Abraham Gouverneur was graciously pleased to give leave to bring y<sup>e</sup> s<sup>d</sup> bill in parliament & signed y<sup>e</sup> same before it was brought into the house of Lords the s<sup>d</sup> Jacob Leisler Jacob Milborne Ab<sup>m</sup> Gouverneur humbly hope the s<sup>d</sup> bill will be permitted to pass this honorable house and y<sup>e</sup> rather because by reasons of the oppressions before mentioned they are reduced to such

necessities that in case y<sup>e</sup> s<sup>d</sup> bill should not pass this session they will not be capable of raising money to pay the fees for passing it another time.

#### LOYALTY VINDICATED.

[In the year 1698, a tract was printed and published in New York, entitled—“*A Letter from a Gentleman of the City of New-York to Another, Concerning the Troubles which happen'd in that Province in the Time of the late Happy Revolution. Printed and Sold by William Bradford, at the Sign of the Bible in New-York, 1698.*” The letter was dated “New York, December 31, 1697,” and the pages following it give the King's Letter to the Lieutenant Governor Nicholson, etc., dated 30 July, 1689, to which succeed (a.) The Resolves of the House of Representatives dated April 17, 1691, signed Ja: Graham, Speaker. (b.) An Address to his Excellency Colonel Sloughter, dated April 17, 1691, and signed Ja: Graham, Speaker. (c.) “At the Court at Whitehall, the 17th of March, 1691,”—the Queen's Order that the Estates of Jacob Leysler and Jacob Milborne be restored to their families, signed Richard Collinge.

This publication had the official sanction of Governor Fletcher and his Council. “At a Council held at New York, 4th March, 1698. The Ol. of the Council laid before this Board a Letter relating some transactions in this Province found at the printer's which was ordered to be read. The Council are unanimously of opinion that it contains nothing but truth, and that it ought to be printed and published with the other papers mentioned therein and do desire his Excellency will give directions for the printing thereof accordingly.” *Council Minutes*: VIII., 31. quoted by Dr. O'Callaghan in *N. Y. Col. Doc.*, IV., 315, note.

The “Letter” was reprinted in 1849, in the *Documentary History of the State of New York*, Vol. II., 425-35. Of the accompanying documents, the King's letter was printed in the *N. Y. Col. Doc.*, Vol. III., 606—the Resolves and Address of April 17, 1691, are in the *Journal of the General Assembly*, Vol. I., 5-6,—and the Queen's Order of 17th March, 1691, in the *N. Y. Col. Doc.*, Vol. III., 827.

The following tract in reply is now for the first time reprinted, from the original in the Library of the Society, entitled

LOYALTY VINDICATED; *being an Answer to a Late False, Seditious and Scandalous Pamphlet, entitled, “A Letter from a Gent., Etc.” Published for the Sake of Truth and Justice, by a Hearty Lover of King William and the Protestant Religion.* 4to. pp. 28. Boston, 1698.]

*Loyalty Vindicated from the Reflections of a Virulent Pamphlet called [A Letter from a Gentleman of New York, concerning the troubles which happened in that Province, in the time of the late happy Revolution] wherein the Libellous Author falsely scandalises those Loyal Gentlemen, who couragiously threw off the absolute Slavery that Province then*

*lay under : and Declar'd for His present Majesty, the Protestant Religion, and the English Laws.*

Although to name but the Authors of this Pamphlet, to give account of the time, manner, and design of its Publication, would sufficiently confute it ; and were it all Truth, take away its Credit : Yet I shall first by plain proof of Fact and Reason, disabuse whom it may have imposed on ; and then expose the Seducers themselves whose corrupt minds gave birth to this *Ignis fatuus*.

I know the Authors have triumph'd, that their Libel hath not hitherto been answered, but they will have but little cause, when they consider it required some time to recover the damp and stunn given to honest minds, by the late corrupt Government of *New York* that publisht it : and some time will always be naturally taken up for the exults of joy ; that truth and honesty will now have their turn of being protected by Authority.

It was with great dread known, that the late King *James* was bound in Conscience to endeavour to Damn the English Nation to Popery and Slavery, and therefore no wonder (since he made such large steps towards it in his Kingdom's) that he took a particular care of this Province, of which he was Proprietor, & at one jump leapt over all the bounds, & Laws of *English* Right and Government ; and appointed a Governour of this Province of *New York*, who (although he was a person of large indowments of mind yet) gave active Obedience to his Prince without reserve ; and accepted of a Commission now on record in the Secretarys Office, giving him power with consent of any Seven of his Council to make Laws and to raise Taxes (as the *French* King doth) without consent of the People, (for the Council are no body, but whom pleases to name, and therefore could represent nothing but the Kings pleasure). Hereby the will of the Prince became the Law ; and the estates of the subjects became the Kings property. And this Governour and Council were the tools to inslave their Country, who pursuant to their Commission did

make Laws and Assessed Taxes accordingly, without any Representatives of the People, as appears by the Records of the Council book.

This *French* Government being thus (by Commission) introduced, it was natural that Papists should be employed in the highest Trusts; such as the Council, the Revenue, and the Military Forces; and since no Law was left alive to make them unqualified, therefore this obedient Governour admitted major *Brockholse* and major *Baxter* into the Council; *Matthew Plowman* to be Collector of the Revenue, and said *Baxter* and *Russel* to Command Military Forces; all professed Papists to assist in making Arbitrary Placats, and forcing obedience to them from a Protestant free People.

This was the condition of *New York*, the Slavery and Popery that it lay under, until the Hand of Heaven sent the glorious King WILLIAM to break those chains, which would otherwise have fetter'd all *Europe*. And these were the reasons that moved the Gentlemen concerned in the Revolution of *New York*, to be early in shaking off their Tyrants, and declaring for their Deliverer.

These things premised do make way for the answer to the bold Assertions of the Libeller, who had the Author Printed the Letter ten years before, *viz.* the time of the Revolution, he would have come under the penalty of spreading false News, which he in particular knows, in *Scotland* is call'd *Leesing*, and deserves the death call'd the *Maiden*.

[Pag. 3] \* In the third page which is the first of the Letter, he declares that Jacob Leisler *and his accomplices committed great disorders in the Revolution*. And was ever Revolution made without them? What, must the noxious humours of the body natural, be loosned and put a float, and very often with pangs and gripes, before the Medicament can officiate the discharge? & must not the body politick suffer a Convulsion to pluck up Spir-

[\* *Documentary History of New York*, II. 426.]

itual and Temporal Tyranny that was taking root in it? But I pray explain yourself, was not the Revolution it self the greatest disorder that could be given to you and the *Jacobite* party? and therefore you need not admire nor wonder that all those that have a good opinion of the Revolution, have *so likewise* of *Jacob Leisler*, and other early Instruments of it in this Province: Nor is it a wonder that it should be credited, that the persons then in Commission in *New York* were *Jacobites*, and persons ill affected to the Revolution (which now the Libeller dare not say otherwise than call happy) for their very Commissions from King *James* were expresly contrary to Law, and their persons unqualified to serve in any Capacity in any *English* Government and so that as *Jacobites* (*i. e.* obeyers of King *James's* Arbitrary Government) and as Papists they must naturally be ill affected to the happy Revolution in *England*, and implacable Enemies to the well wishers thereof in *New York*. The proof of this appears by the Printed account of the State of the Government of *New York*, attested by the Records of Sir *Edmund Andross*, Coll. *Nicholson*, *Matthew Plowman*, major *Baxter* and *Bartholomew Russel's* Commissions; which are Evidence undeniable and point blanck contrary to the Testimony of the Libeller, who calls himself *a personal witness*. But the Author was safe at the time of Publishing the Letter, for it was when the Province lay under the calamity (more then in any other age) of Licensing this Letter, which gives Authority for the palliating of Vice with false glosses, and of criminating the Actions of the most Just and Virtuous and pious persons, and when Truth and Innocency were strip'd of all defence against the malice, falsehood and calumny of Col. *Fletcher*, and his complying Council.

We are told the Lieutenant Governour and Council were *Protestants*, and perhaps they were; and so were *Friend*, *Perkins*, *Jefferys*, *Herbert*, Bishop of *Chester*, and *Brian Haynes* the player; therefore that is no

infallible Test that they were well affected to the Revolution, if they had no other. *But they resolved Thereupon to suspend all Roman Catholicks from Command and places of trust in the Government.* Well resolved, though they did not perform it, as the Libeller afterwards owns. But what means the word [*Thereupon*] i. e., King *James* was fled into *France*, the Prince of *Orange* was Armed with considerable Forces in *England*, and by consent and voice of the Nation declared their Deliverer and King: and since King *James* could not stand by them, and the Arbitrary Commissions he had given them, and *Old England* would be sure to Command *New-York*: *Thereupon they* &c. No thanks to them for their *Thereupon*. Besides if I am not mistaken, the execution of their Illegal Commissions (which they held as long as they could) and their fear of exasperations they had justly given to the People, by being Voluntary slaves to King *James* his Will, and Authorised to make all under them to be likewise so: (as the Devils would have all men Damn'd with themselves.) For these reasons these faint resolves were made and ill executed. But we do not find that *Thereupon* they declared for the Prince of *Orange*, or the Protestant Religion. No, these Gentlemen had submitted so intirely to such a blind Obedience to their Prince as (notwithstanding their Profession) was never practis'd by any Christians, but the Papists; and think to hide their nakedness by the fig leaf of turning a single Papist out of the Council, just as their Master King *James* did, when the Prince of *Orange* was landing; the Nations hearts alienated from him, and his standing Army likely to run over to the Prince: *Thereupon*, he restored the Charters of Corporations, and *Magdalen* Colledge of *Oxford*, and declared to call a free Parliament: Just with the same good will as these New York *Thereupon-men*. [Pag. 4.]\* But it is notoriously false and known to be so by the Inhabitants of *New York*, that *Thereupon* these disbanded Papists forthwith left the Prov-

[\* *Documentary History of New York*, II. 428.]



ince: For *Baxter* stay'd here several Moneths, not knowing whether it was a real Revolution or no; and *Russel* stay'd and dyed in *New York*, but *Plowman* continued fix'd in the greatest Trust of Collector of the Revenue, being intrusted by the Protestant Lieutenant Governour and Council with the sinews of War in his management, who would be sure as a strict *Papist* to employ it in the service of a *Protestant* Revolution, from the same good affection with themselves.

To proceed, this Libeller names three Dutch Gentlemen of their Council, and tells you, *that but two of them were most affectionate to the Royal house of Orange*, although Mr. *Phillips* (I believe) had the same affection with the rest: but the Libeller never tells you, that any of them were pleased that the Prince of *Orange*, had rescued from ruine our English Laws, Liberties and Protestant Religion, and was become a Royal English King: which was but a small reward to Him for the Blessing it gave us: he only tells us, that as *Dutchmen* they loved the Royal house of *Orange*: So I presume the late King *James* doth, being tyed by blood thereto; although he wishes him far enough from *England*. I suppose those *Dutch* Gentlemen will give the Libeller few thanks for his remarks on them. He adds, *that the said Lieutenant Governour and Council Convened to their Assistance, all the Justices of the Peace and Civil Magistrates, and Military Officers*. But they had quite forgot the *English* Constitution of calling the Representatives of the People: and whereas several of this Convention were the Persons that were pitched upon, and thought fit by the then Arbitrary Government to have Commission, Office and Power to enslave the subject. No wonder the People did not think themselves safe in their hands, to be managed by the major Vote of such a Convention.

Neither was the first thing they ordered, *viz. Fortifying the City of New York*, any wise satisfactory; since it

was most proper that those persons who gave occasion for a Revolution, were most probable to make themselves strong to oppose it. And therefore Coll. *Bayard* made Coll. of the Militia by King *James*, was most liable to obey and execute King *James*'s order, and an unsure Security for the Fort ; Especially having so often declared in Words, and Letters, under his own hand to Mr. *West &c.* *That those who were in Arms for the Prince of Orange were Rebels.* But it is absolutely false, that Coll. *Bayard*'s industry fortified the Fort ; for Capt. *Leisler* opened the Well, which was closed up ; he it was ordered the Batteries, that were made about the Town, he mended the Breast works of the Fort, as likewise the Platforms, and Powder Room ; all which were in a miserable Condition : and these great works took up near a Twelve Moneths time, with Vigorous application and industry of the Inhabitants, after *Bayard* was out of the Power of betraying the Fort, which could never have been defended in the posture he kept it, with no Well open, nor any covering for it, defence or security for their Ammunition. Besides when the Militia Forces were on guard in the Fort, the Lieutenant Governour in Passion altered their Orders given by their Officers, and told them, *if they gave him any farther trouble he would set the City on fire.* This proved by the Depositions of Albort Bosch & Henry Coyer. [Pag. 5.]\* And for their own sakes they appointed and continued the Revenue, as being very useful for men of any design : which makes nothing for their cause.

It matters not what Letters were sent home by the Lieutenant Governour, for it is plain neither Governour nor Council would declare for the Prince of *Orange*, pretending they wanted Orders ; No, they wanted good will ; for without Orders this Libeller pretends they turned out *Baxter* and *Russel* out of Commission. I wonder how they dared to go so far, and no farther. But no body but themselves know or care whither they wrote or no, for it signified nothing, except to excuse

[\* *Documentary History of New York*, II. 427.]

themselves from declaring till an answer came, and they knew who was uppermost. I suppose they had a mind to stay to see who got the better in *Ireland*, before they would declare.

[Pag. 6.]\* A Lying building must have a lying foundation, & therefore the Libeller says, *That Capt. Leisler unwilling to pay the Duty of his Wines stirred up the People to Rebellion.* The case was thus, the Popish Collector *Plowman* was then continued in Office, and Capt. *Leisler* did, even with him, make entry in the Custom house for his Wines, and ingaged to pay the Customs to such as should be legally qualified to receive them; which the Papist *Plowman* was not.

And now the people being exasperated by the delay of the Governour and Council to declare for the Prince, the greater body of the Militia with their Officers, did Seize on the Fort, and did send and demand the Keys from the Lieutenant Governour; and since they had taken the Government on them, they did Seize what Publick Moneys they could find; and took the *Seven hundred Seventy three Pounds* from Coll. *Nicholson*, which with great prudence they did Expend for the safety and defence of the Revolution: nor *were the People Drunk or Mad*: for no Man, Woman, or Child, was hurt by them even in the very Convulsion of changing the Government; nay the very Papists then in Office, and others who were justly suspected of designs of betraying the Country to King *James's* faithful Allie, the *French King* had not a hair hurt, except by the fright their own guilt occasioned; and these Revolutioners must either be very sober or loving in their drink, or these *Jacobites* had never scap'd being *Dewitted* by a sufficiently provoked People, who had the Power, but more grace than to use it.

False Assertions without proof are sufficiently answered by denying them. This northern forehead

[\* *Documentary History of New York*, II. 428.]

answers himself: for the Libeller says, *the people cry'd out that they disowned all Government*, and in the next line tells you, *they proclaimed Capt. Leisler their Commander*. But I suppose, he gives the contradiction as a proof of the Peoples being drunk; to be against all manner of Government, and choose a Governour in the same breath. 'Tis likewise notoriously false, that no other Commission'd Officer was amongst them: for most of the Officers of the Militia of the City joyned therein: But had it been true, then Capt. *Leisler* as the only Commission Officer ought to Command them; and they were just and sober in their choice, as well as prudent in their Trust of so good and faithful a Person. But the fact of this was false, for Capt *Leisler*. though instrumental in shaking off the Tyrannical Government, did not believe he had a Title to govern longer than the Peoples Resolutions were known; and therefore, circular Letters were carryed by Coll. *Depeyster* and Capt. *De Brayn* to the several Counties; whose Freeholders chose their Representatives, who being met appointed Capt. *Leisler* Commander in Chief under their Hands and Seals, and appointed several to be of his Council, under the name of a Committee of Safety to preserve the Publick Peace of the Province: who did it so effectually, that those divested of the Governing power had no other harm done to their persons; and the late Lieutenant Governour was permitted to withdraw himself whither he pleased. And here I must remark that he fared much better than Sir *Edmund Andross* at *Boston*, who was made close Prisoner and sent home to *England*, and yet no man was Executed or attainted there for that act of Loyal Violence.

*Boston* having proclaimed King WILLIAM and Queen MARY, and *New York* Fort and Government possess'd by Loyal *Leisler* and his party, and the Lieutenant Governour withdrawn out of the Province then the Libeller saith, *That the late Council and their Convention of Justices of the Peace & Officers, had a*

*great mind to proclaim the King & Queen*, whom they never had declared for, and we must take his word for it: but he owns the Loyalists did proclame them, but saith, *it was very disorderly*. I observe whatever made for the Revolution, or against the late King *James*, is very displeasing to the Scribler: For when the People took the Government out of their Arbitrary betrayers hands, he saith, *they were drunk or mad*; & now the proclaiming of the King & Queen, was very *disorderly*, in neither of which he gives one instance: [Pag. 7.]\* But thank God, they were proclaimed, & their goodness will pardon small disorders which were the effects of Loyal Zeal. Although the *Jacobites* will never forgive them for it. Some of which Council and Magistrates went to Coll. *Bayards* house and drank and rejoiced that *Leisler* had done what they never could have the heart to do, nor made one step towards. And we may know what kidney these drinkers were of, by whose Wine they drank: For Coll. *Bayard* having been a complying tool all King *James's* Arbitrary Reign, you shall judge of the rest by his opinion of the happy Revolution, in his letter to Mr. *West* of the 14th of *January* 1689, 90. Wherein he calls them *Philistines*; calls *Leisler* and his Loyal party, *the Arch Rebel and his hellish crew*; wishes he had a sufficient number to suppress the Rebels, calls them *usurpers of the Government*, and *Sir Edmund Andross*, his *Excellency*, and calls his friends *Loyal*, and the whole tenour of the Letter is to keep up King *James's* title to admit his Commissions of Government to be of force, to brand all that declared for the Prince of *Orange*, with the black name of Rebels; by which he owned King *James* was still in his heart, and had he power equal to his will, would have kept him still on the Throne, and therefore we may judge of his and his Companies joy, on this occasion, and whose Health they drank: which, eight years after, they tell us was King WILLIAM'S and Queen MARY'S.

[\* *Documentary History of New York*, II., 428-29.]

His Majesties Proclamation to confirm *Sheriffs, Collectors, &c.* in their Offices, being Published, the Convention removed *Matthew Plowman* a Papist from being Collector, but this is now when Capt. *Leisler* had rescued the Government, was possess'd of the Fort and had proclaimed King WILLIAM and Queen MARY. Then the Convention (who had done none of these things and were angry at those who did) they removed a Papist from his Office, about the middle of *June*, who was permitted by them to act above two Moneths from the time that the Lieutenant Governour and Council resolved to remove Papists from Offices; which (as the Libeller in the first page of his Letter saith) *was the beginning of April*: they kept him in as long as they could, and now to mend the matter, they put others in his place of the same principles as to King *James*, of which the famous *Bayard* aforementioned was the Ring-leader. And the Libeller brags, *that they were the first in the Province that took the Oaths to their Majesties, appointed by Act of Parliament*: It may be true; but it is as true, that they were the last and backwardest to assist in the Revolution, or declare for the Prince of *Orange*, which they never did; but afterwards pursued to death those that had done it. They were indeed most forward to take Oaths, when they were to gain by them, and to have the fingring of the Revenue. For the carrying of the purse they will deny their old Master King *James*; not out of hatred to him, but love to Money; being bound by solemn Oath to be true to their own interest; which Oath binds them closer than any Oath of Allegiance.

These worthy Commissioners of the Revenue sate in the Custom-house, but Capt. *Leisler* with the Inhabitants who had possession of the Government and Fort, demanded of them by what Authority they pretended to act; who refusing to give Capt. *Leisler* any Account they offered to turn him out of the Custom-house by force; on which tumult (made by three *Jacobites*) a guard

of Inhabitants from the Fort came to defend their Captain. And the People in the Streets were so enraged at Coll. *Bayard* (who they knew was as inveterate as any Papist against the Revolution) that they certainly had tore him to pieces, had not the good temper of Capt. *Leisler* been his protector, who was the only person capable of saving him in that extremity, and favored his escape, and let him live to have afterwards a hand in the Murdering his deliverer: So that the Violence of Armed men and naked Swords, beating the Commissioners from the Custom-house, was very modestly done, for no man was hurt, not so much as a skin broke of those who deserved the halter; but they are still alive; some of them to watch another occasion to betray their Country, when they can get a Popish King of *England* to assist them.

[Pag. 8.] \* Captain *Leisler* finding several Papists and false Protestants in the Town, like a prudent Officer kept good guards, sent parties to prevent any Conspiracy they might make to resume the Government; and to preserve the Peace; which was dayly attempted to be broke by declaring for King *James*, and his Governour Sir *Edmund Andross*, and denying the Authority of the People, and Capt. *Leisler* intrusted by them, on which it was wisely done of Capt. *Leisler* to secure in the Fort those whom he found so troublesome to the publick Peace, and as the heads of them he Imprisoned the afore-mentioned famous Coll. *Bayard* and Mr. *Nichols*, but without barbarity they were confined, and not in a nasty Goal, but in handsome lodgings, such as now are thought proper for the Captain of the Guard, the Store keeper and the Secretary of the Province to lodge and keep Office in. It is true that Coll. *Bayard* was put in Irons, as he well deserved for his aversion to the Revolution, disturbing the Peace, and attacking Capt. *Leisler* (then Commander in Chief) in the open Street, as appears by several credible Oaths. Nor could it be

[\* *Documentary History of New York*, II., 429-30.]

safe to admit such fire brands to Bail; and therefore they were kept close from doing mischief, which is the part of all good Governments to do, and was most necessary in this Revolution.

Captain *Leisler* with the Committee of safety (appointed by the Representatives of the Freeholders of the several Counties of the Province) having published their Declaration for the Prince of *Orange* the Protestant Religion, and the *English* Laws and Liberties, they thought it prudent to discriminate the Well affected from the Enemy, and therefore Summoned all the Inhabitants of the City to the Fort, to sign their names to such a Declaration as owned the Authority of the Prince of *Orange*. And the refusers must justly by him and all mankind be deemed Encmies to the Revolution, to His Majesty, and their Country. And is this a crime to know the Sheep from the Goats, or to take all Reasonable methods for the safety of the then Government: but the Libeller is angry at every prudent step was taken, nor is he satisfied, although it is above Seven years since he was gorg'd with their innocent blood which he had a hand in shedding.

It is notoriously false that Capt. *Leisler* opposed the Collecting of the Revenue; indeed he was not willing a Papist should run away with our Protestant Kings Money, nor did he think it safe in *Bayards &c.* hands. But the Committee of safety (and not Capt. *Leisler*) appointed Mr. *De Lanoy* (in whom they durst confide) to that trust, who received no Customs until *December* following, when his Majesties orders arrived; till then he took only notes from the Merchants to pay the Customs when demanded. And 'tis well known that Mr. *DeLanoy* gave a fair and true Accompt of his Receipts and payments of the Customs to Governor *Slaughter*: whereby it appears he had expended five hundred Pounds of his own Money above the Money of the Revenue, for the Kings Service and the support of the Revolution; which Money is not repaid him to this day through



the iniquity of some *Jacobites* afore-mentioned, who crept into power, and who have thereby gratified their revenge on men of greater sense and Loyalty than themselves.

On the tenth of *December* one *Riggs* brought his Majesties Letters which were delivered to Capt. *Leisler*, as they ought according to their direction ; for Coll. *Nicholson* (to whom they were first directed) had withdrawn himself out of the Province, and in his absence the Letters were directed to such as for the time being took care for the preservation of the Peace and Administring the laws ; [*Pag. 9.*] which was none other but Capt. *Leisler*, who was appointed thereto by the Representatives of the Freeholders of the several Countyes of the Province, and had the Command of the Fort ; nor could those who called themselves of the Council be intituled thereto, for they were the Persons that were made use of in the late Arbitrary and Tyrannical Government, to the over-turning of all Laws, and Civil Rights, and who gave Occasion for the Revolution in *New York*, and did never declare for the Prince of *Orange*.

These Letters from His Majesty fully confirming Capt. *Leisler* in the Government, whereto he was chosen by the People's Representatives ; he indeavoured to execute his trust faithfully, and on such an Emergency it was the greatest wisdom and prudence to find Money to support the Government, which he did as regularly as the time would permit, by and with the consent of the General Assembly of the Province fairly chosen by the Freeholders ; this which seducer falsely insinuates *were only Selected and Appointed by Capt. Leisler*. And by and with their advice and consent Taxes were raised and properly applied. And 'tis observable the Libeller tells us, that *Capt. Leisler applied these Sums to his own private use*, and yet the very next words tells us, *it was to maintain said disorders, allowing private men Eighteen*

*Pence per day*: by disorders he means the Government reposed by the People and confirmed by King WILLIAM in Capt. *Leisler* which had disordered and routed the former Slavery the People lay under; for it was disorder to none but Papists and *Jacobites*. And the Eighteen pence a day was for the private use of the private men to whom it was paid, for their subsistence in defending the Government: and their defence was indeed of private use to Capt. *Leisler*, as comprehended in the Publick general good thereof: But the Revenue was not sufficient to defray so great a charge, had not Capt. *Leisler* expended great Sums out of his own private Estate, as others concerned with him likewise did, for which he was repayed with a barbarous Death, through the means of men who will never venture their Lives or Estates to serve their Prince, Country, or Protestant Religion.

[Pag. 10.] \* Nor could Coll. *Bayard* and Mr. *Nichols* complain of their aforementioned confinement in the Fort, since they would fly in the face of Government, and give such vent to their invenomed passions as appears by the Record of their Committment, and Coll. *Bayards* confession in his Petition to Capt. *Leisler*.

But it is point blanck a lye, nor was it ever, or can be proved that Capt. *Leisler* gave directions to any man to plunder Coll. *Bayards* house, nor was any thing of that sort done by his order to any house, but Commands given to the contrary, and the Souldiers were compelled to restore what could be made appear they had forcibly taken from any man. Even so small a matter as a Hat taken out of the house of Mr. *Lambert*, was restored to him.

Coll. *Cortland* and others might leave their houses and families, but they would have had no occasion for so doing had they peaceably and quietly minded their own affairs and submitted to the Government; for all

[\* *Documentary History of New York*, II., 481.]

such had no manner of disturbance given them, but were protected.

[Pag. 11.] \* The Protestant Ministers the Libeller saith, *could not scape Capt. Leislars Malice and Cruelty* : I am afraid those Ministers he mentioned, were Popish Trumpets, to Preach up the damn'd Doctrins of *Passive Obedience*, and *Non Resistance*, and to noise in our Ears with their accursed breath, *that we ought patiently to hold our Protestant Throats to be cut by the Command of a Popish King* : and when Capt. *Leisler* with his friends had taken hold of that wonderful Deliverance offered immediately from God to Redeem His People from Slavery upon Earth, and Popish Damnation in Hell ; to have false Priests of *Baal* get up, and use their wicked Eloquence to make the People believe a lye, even in the house of the God of Truth ; and from the Pulpit, to tell these Captains of our Temporal Salvation to their faces, that being faithful to their God, their Country, and their Laws, in the defence of the Holy Protestant Religion, and the Rights and Liberties of *English* men, and their thankful declaring for the most glorious Prince upon Earth their Deliverer : was the blackest of Treason and Rebellion. Such Apostasy and base Treachery hath deserved, and often met with severer rebukes than the friendly Verbal admonition given by Capt. *Leisler* to the blind Seer, and had nothing of the Malice and Cruelty in it of the Libeller, who wrote so false a Pamphlet : and so the other time-serving Priests (who were Protestant shoing horns to draw on Popery) might have been more quiet, and left the result of the Revolution to Divine Providence, and not pass such hard Censures as to attain blood and accuse of Rebellion, all that would accept of Gods deliverance from the two greatest plagues of mankind, Popery and Slavery. But I hope they have repented and will be saved, otherwise whilst *they Preach to others they themselves will be cast away*.

[\* *Documentary History of New York*, II., 411-32.]

'Tis true Capt. *Leisler* sent to the Merchants of the Town to supply the Garrison with Provisions and other necessaries, and sent without distinction to all People who had Stores; otherwise the Garrison might have perished: but he honestly gave them Credit in the Kings Books, and they have since (for the greatest part) been satisfied; and Capt. *Leisler* (as he ought) did order forcibly to break their Ware-houses open, where they were refractory, and refused on so great Emergency to afford support to the Government; but exact Accounts were kept of all such goods, and Entries made in Books kept for that purpose; so that it was not plunder, (as the Libeller falsely calls it) but they were to be satisfied, and paid for the same. And I believe it was never known in the Memory of man, that ever a Revolution, or change of Government, was more regular: or where Military power would not force Victuals where it was denied them, when they wanted it: and therefore it was for the special Service of King WILLIAM and Queen MARY, to keep alive those that were the only persons in that Province, who declared early for Them, and owned Their Authority. Nor can any proof upon Earth be brought (except such as the Libeller) that one Farthings Value of goods was ever converted to the private use of Capt. *Leisler*, or Transported by him to the *West Indies*, but the imposture of the whole book depends on such positive falsehoods.

[Pag. 12.]\* The Accompt of *Thirteen Thousand nine hundred fifty nine* Pounds of damages done the Province is made up by the Libeller himself; for no man living of truth, hath ever demonstrated that Capt. *Leisler* or his friends, ever made pillage of any man's Estate, but I believe the Libeller reckons that he and his *Jacobite* party had so much damage by the Revolution, which they might Arbitrarily have extorted from the King's good Subjects, if it had not happened. Good damages! which I am glad of with all my heart. At

[\* *Documentary History of New York*, II., 423-22.]

this rate pray what damages had the Popish Clergy of *England* and *Ireland*, by King WILLIAMS hindering their being restored to *Abbys*, *Monasterys*, and *Peter Pence*; but it is better that the *Jacobites* should suffer damage of their Estates and Lives too, than an *English* Protestant People should have the damage of loosing their Laws and Religion, their Properties and their Souls. And as for Coll. *Willets* losses, which the Libeller magnifies, he could not put a particular Value on them, they were so small. Had they been considerable he would since have made a particular complaint, to have reparation, which he never did, nor had occasion for; but had he been ruined he would not have been pittyed by good men, because he so far forgot that he was an *English* man and Protestant: that he Executed an Illegal Commission, and raised Forces to destroy all those that declared for our Deliverer, that we might return to our Vomit, which was a Dog trick in him.

And thus the Libeller expatiates on Capt. *Leislars* Arbitrary proceedings over his Majesties Subjects Persons and Estates, against the fundamental Laws of the Land; but he should have considered that all the fundamental Laws of the Land were wholly subverted and trampled upon by the Hellish, Popish, Arbitrary Government, Established by King *James's* Commission; so that Capt. *Leisler* found no fundamental Laws to transgress; and was forced in discharge of his trust from the People, and by and with the consent of those appointed by their Representatives, to use these violent methods which Heaven gave him the power to make use of to restore those fundamental Laws, which were abolished by tools of the same temper with the Libeller.

Major *Ingoldsby* a Captain of a foot Company, arrives near two years after, saith the Libeller, *And with several Gentlemen of the Council, sends to Capt. Leisler, that for the preservation of the Peace, he might continue to command in the Fort, until Coll. Slaughter's Arrival,*

*and only desired that major Ingoldesby and the Kings Souldiers might be permitted to quarter, and refresh themselves in the City: but instead of complying, he in passion told Mr. Brooke, on his acquainting him, that Mr. Phillips, Coll. Bayard, Coll. Cortland were of the Council, that they were Papist Dogs, and if the King should send Three Thousand of them, he would cut them off; and without cause Proclaimed open War; on which said major Ingoldesby perswaded several of the Inhabitants to joyn with him merely for self preservation. On which several great and small Shot from the Fort killed and wounded several of His Majesties good Subjects, who made no opposition.*

This whole Paragraph I shall shew to be the greatest complication of Iniquity, and fit to be the production of a Monster begat by an *Incubus* on a *Scotch Witch*, who had kindled his malice against Truth from the flames he put to the holy Bible, thereby to become the Adopted Son of the father of Lyes.

For major *Ingoldesby* having no Commission, nor Authority to Command, on his Arrival, took on him the Title of Commander in Chief, usurp'd a shew of Government, calling a Council, and Issuing peremptory orders, as appears by the Records of the Council Book: nay quite contrary to the Romantick Account of the Libeller, he sent a demand under his own hand, which I have seen, wherein he acknowledges Capt. *Leisters* offer to him of his own Houses in the City for the Accommodation of himself and Officers, and to appoint fit Quarters for the Souldiers; which major *Ingoldesby* under his hand denies to accept of, saying, *he demanded the Fort from him*, which unless Capt. *Leisler* would deliver up to him, he would esteem him as an Enemy to King WILLIAM and Queen MARY. I have likewise seen Capt. *Leisters* Letter to major *Ingoldesby* full of Civility, and true Reason, wherein he acquaints him, that he held the Fort and Commanded by Virtue of a trust reposed

in him by the People, and confirmed by His Majesty, and assuring him, that if he had any Commission from His Majesty, or any Instruction or Order from Coll. *Slaughter* appointed Governour of the Province, on his producing it, The Fort should be immediately delivered to him, but desired to be excused from resigning his trust, till he found one qualified and authorized to receive it from him. But this was not satisfaction to major *Ingoldesby* who was prevailed with to take the Government on him in opposition to Capt. *Leisler*, and as Governour in Chief (although never impowered by King or People) he issues orders to the several Counties to be ready to attend and assist in opposing *Leisler*, and his party with Arms; which was the proclaiming open War; and pursuant thereto he sends his Rounds in the night, and ordered or permitted his Rounds at all hours to pass the guards and centrys on the Walls of the Fort, and not to make answer, but by reproachful Language, when challenged by them, in order to provoke the drawing of blood, and engaging the People in a Civil War: and farther, major *Ingoldesby* ordered all the men under his Command to wear Marks on their Arms, to distinguish them from those who joyned with Capt. *Leisler*.

During this Revolution and Civil War, I am told not above two persons were killed, which happiness attended the moderate temper of Capt. *Leisler* and the Committee of Safety, who could not be raised to punish the Insolence of the Tory party, suitable to what they gave just occasion for.

Soon after, viz. in *March*, about a Month or five Weeks after major *Ingoldesby's* usurpation, Coll. *Slaughter* Arrived, who Summoned the Fort late at night, and, contrary to the Libellers assertion, it was never denied to be delivered: but the delivery suspended till next Morning, it not being proper (according to Military Rules) to deliver a Fort in the night, and then it was Surrendered by Capt. *Leisler*, who waiting

on the Captain General Coll. *Slaughter*, instead of thanks for the faithful Service he had done His Majesty in defending the Fort and Province from the *French* (our professed Enemies) and the Treachery of *Papists* and *Jacobites* amongst ourselves, was immediately by his order Seized with Mr. *Milbourn*, and others of the Loyal party, and bound over to answer at the next Supream Court of Judicature; where Capt. *Leisler* and Mr. *Milbourn* pleaded to the Jurisdiction of the Court, That whereas he was in possession of the Government by the choice of the People, and confirmed in it by the Kings Majesties Letters, that he was not bound by Law to answer for his Mal Administration in Government, to any Court or Authority, but to His Majesty, who had intrusted him: but this was overruled by the Violence of the Court, without reason or Law, and as Mutes they were found guilty of High Treason and Murder; and although a Reprieve was granted them by Coll. *Slaughter*, untill His Majesties pleasure should be known in the Matter: yet the Violence of the *Jacobite* party (of which sort were most of Capt. *Leisl*ers Judges and Officers of the Court) was such that they gave no rest to Coll. *Slaughter*, untill by their Importunity they prevailed with him to sign the Dead Warrant. And they were Executed accordingly. So that the representation of the matter, with an account of their Reprieve reached His Majesty at the same time with the account of their Execution and Death. So fell Capt. *Leisler*, and Mr. *Milbourn* men of known Integrity, Honesty and Loyalty, and by a pretended course of Law, contrary to all Law condemned, where their Judges were most of them violent Enemies of the happy Revolution, and therefore resolved to revenge themselves on these Gentlemen who were the most Early and Zealous Instruments of it; and who had first expended great part of their Estates, and then suffered Martyrdom for King WILLIAM and Queen MARY, their Religion and Laws. The proofs and papers referred to in this account remain in the hands of Mr. *Jacob Leisler* only son of Capt. *Jacob*



*Leisler* the Martyr to *Jacobite Revenge*. The proof that Capt. *Leisler* was legally Governour of *New York*. That major *Ingoldsby* was but a bear Captain of Foot, and had no other command in that Province, nor authority to demand the Fort from Capt. *Leisler*; The proof that Capt. *Leisler* did as a good Subject deliver the Fort to Coll. *Slaughter* upon demand, and his Justification, is immediately expressed in the Act of Parliament of *England* which reverses their Attainders, and restores their Families, in Blood and Estate.

So that this is the full and true account of this Tragedy; *New York* lay under the Curse of an absolute Government by King *James's* Commission to Sir *Edmund Andros*; the people took courage on the first News of the Revolution in *England*, and shook off the Oppressors, and declared for the Prince of *Orange*; the Lieutenant Governor, the Council, and Justices of the Peace, which met and call'd themselves a Convention (being Officers constituted by King *James*) would not declare for the Prince of *Orange*; Wherefore the people did not think themselves safe in their hands, but Seized upon the Fort, and chose Capt. *Leisler* Commander of the Fort until Circular Letters had procured a return of Representatives of the Free holders of the several Counties of the Province, who on their meeting making a Declaration for His present Majesty, did under their Hands and Seals constitute Capt. *Leisler* Commander in Chief until the Kings pleasure should be known; and likewise appointed him a Council, by the name of a Committee of Safety. And in these Persons the Government was lodged, who proceeded to support themselves by the most moderate methods could be devised.

The Lieutenant Governour hereupon withdraws out of the Province, major *Ingoldsby* Arrives with Authority over none but his Foot Company; and yet demands the Fort, which Capt. *Leisler* durst not deliver to him without betraying his Trust both to the King and People;

major *Ingoldsby* usurps the Title of *Commander in Chief*, he Issues Orders and Warrants to the People to rise in Arms to assist him to wrest the Fort out of Capt. *Leislars* hands, and provokes Capt. *Leislars* men in the Fort to Acts of hostility, by which means one or two men were accidentally killed. Coll. *Slaughter* Arrives, demands the Fort, which was surrendered to him immediately; the Persons of Capt. *Leisler* and Mr. *Milbourn* are Seiz'd, and soon after brought to Tryall; their plea to the Jurisdiction of the Court (which could not by Law try them for Mal Administration in Government) violently over ruled, and they Condemned as Mutes, for High Treason and Murder; they were Reprieved until His Majesties pleasure should be known; and notwithstanding the Reprieve, the Warrant of Execution Signed, and they Executed.

But the Enemies to King WILLIAM, and consequently to these Gentlemen, had not sufficiently gratified their malice, by these mens innocent blood: but they labour in *England* to get a justification for themselves, and a confirmation that the said unjust Judgment was according to Law; and when His Majesty was in *Flanders* and several Ministers of State were in place and trust in the Committee of Trade, which His Majesty hath since thought fit to remove from His Council and their Offices: a report was obtained from the Committee of Trade affirming that these Loyalists were Condemned and Executed according to Law. But however the said Committee represented their Sons as fit objects of Her Majesties mercy, to be restored to their Fathers Estates; which Her Majesty was graciously pleased to grant. And these malignant Confederates so far prevailed with the Assembly of *New York* to compliment and flatter their new Governour Coll. *Slaughter*, as to pass several Votes against the whole proceedings of the happy Revolution, and to excuse the barbarous Severity of the Illegal Condemnation and bloody Execution which he had ordered. And this was

the State of the Case until the Parliament of *England* took the matter into their Consideration, and the honorable the House of Commons in the Sixth and Seventh year of His present Majesties Reign appointed a Committee to examine all parties in relation to Capt. *Leislars* Execution, where they were heard by their Council at Law, and where Mr. *Dudley* (who formerly applied to get Money by Magistracy and Government in *New England*, and set up for a Judge in matters of Blood in the Tryal of Capt. *Leisler* at *New York*) was heard to make his defence, where his Cobb-Webb Eloquence was too thin to put a vail over so black an Action, as created horror in the minds of that Honorable and Numerous Committee; who reported the matter fully to the House, and thereupon an Act of Parliament passed the Royal Assent, wherein His Majesty, the Lords, and Commons of *England* do recite the Legality of Capt. *Leislars* Authority, and justifie his proceedings in the Government, and more especially his refusing to deliver the Fort to major *Ingoldesby*, being the Fact for which he was Condemned; and do absolutely reverse the Attainders and restore the Blood and Estates of Capt. *Leisler*, and those persons Condemned and Executed in *New York*; which Act of Parliament is Printed at the end of this Treatise.

And now after all, it being about Eight years since these men dyed, when the Grave and Time should have so buried the Persons and Memories of these good, but unfortunate Persons, that no Revenge should have room to desire a farther gratification; and when the Animosities between those of a *Dutch* extraction (who are the most numerous, Loyal and Sober Subjects of that Province) and the few *English* (who were most averse and backward in the Revolution, but violent and bloody in the Execution of Capt. *Leisler*, as well as the most dissolute in their Morals) in this Province, had time to cool, and might by a good Government have been wholly heal'd. After all, I say, to have this fire again blown

up, to open these Wounds and to open the Graves of the Dead, to disturb the Living; was such an artifice of the Devil as must give a more than usual abhorrence in good minds; which leads me to give an account of the Occasion, the time, manner, and design of the Publication of this fire brand call'd a *Letter*, and with-all take some notice of the supposed author.

It is evident in *New York*, and will soon be made appear to His Majesty, that the late Government of *New York* under the Administration of Coll. *Fletcher* was a perfect sink of Corruption. And although he was exalted to that Government from a poor mean refugee of *Ireland*; yet he soon forgot the hand that raised him, and to satisfy his Soul, his Idol Gain, he made a fast friendship with the few *Papists*, *Jacobites*, and dissolute *English* of *New York*, who had opposed the Revolution and revenged themselves on Capt. *Leisler*; and who to be supported in their hatred to the Loyal *Williamites*, and connived at in their open breach of all the Acts of Trade, found great advantage to reward Coll. *Fletcher's* friendship by Presents from themselves, and gifts from Pirates; and complied with him, and consented to all things proposed to them by him; to the squandering of the Kings Revenue and (to the great dishonour of the King) destroying all conveniences of a Succeeding Governour; and disposing of all the Lands in the Province, that not one Inch is left to be given in reward to any who may by their Services to His Majesty, deserve; or to encourage new Settlers, and that in such quantities as will wholly make it impossible ever to People the Province; giving to one man Seventy Miles in length; and to several Fifty, Forty and Thirty Miles in length, and several Miles in breadth; with many other unjust, gross Mal Administrations.

On this bottom Coll. *Fletcher* joyned in the mortal hatred to the lovers of the Loyal *Leisler*; and when several condemned to dye for their motions in that Re-

volution were ordered by Her gracious Majesty of Sacred Memory to be discharged, Coll. *Fletcher* did it as an act of grace of his *own*, and told them that although he released them yet he could call for them when he pleased, and hang them. And some time after told them, That they dealt worse by him than the Lepers cleansed by our Saviour, some of which returned to thank him, but none of them ever did, meaning none of them had given him a wicked Bribe or reward which he was used to receive. These Truths Mr. *Beekman* and Mr. *Gouverneur* will attest. Coll. *Fletcher* likewise paid that disregard to the Act of Parliament of *England*, (Reversing the Attainders and restoring Capt. *Leisler* and others condemned, in Blood and Estate) that he refused the Widow *Leisler* to be repossessed of her Estate; nor had she that justice done her, during Coll. *Fletcher's* Government, nor untill my Lord *Bellomont* granted her a Writ of Possession; which was a year and half after she was Entitled to it by Act of Parliament in *England*, Reprinted at *New York*. He likewise wholly discouraged the generality of those who were active in the Revolution, putting few or none of them into Office, or Employment; and wholly adhering to those that gratified his Vanity, Pride, and Covetousness. For which in return he gave them countenance in all matters, as well as connivance at their unlawful Trade.

His Majesty having appointed the Earl of *Bellomont* Governour of *New York* (whose great Honour and Justice Coll. *Fletcher* both knew and dreaded) some considerable time passed between his Patents being passed, and his beginning his Voyage, which Coll. *Fletcher* took the advantage of, therein to contrive methods so to divide the People of the Government, that in Publick disorder he himself might escape having strict Scrutiny made into the Corruptions of his Government, he therefore not satisfied with crushing the Loyalists, during his Government, was resolved to assist the Publishing this Libel, which might give such an

Account of the Revolution of *New York*, as should Exasperate to the highest degree, all that were concern'd in it, and at the same time assured his *Jacobite* party, that it was necessary such a book should be Licensed, to possess the strangers who came with my Lord, with such falsehoods as were useful to their party; my Lord being, as he feared, inclined to favour whoever was well inclined to the Loyalty of *Leisler*. So that, as is supposed, one Mr. *Jamison* was employed to frame this Libel, who was Clerk of the bloody Court that Condemned *Leisler*; a person most in the graces of Coll. *Fletcher*, who was in *Scotland* condemned to dye for *Atheism* and *Burning the Bible*, and was banished to *New York*; where he was by Contribution freed from being a Servant, and permitted to teach School, and being somewhat a Scholar, and having good natural sense made the use of his wicked parts to teach Blasphemy, and *Atheism*, and to ridicule Sober Religion, till he got a Reputation amongst the dissolute Church of *England* men, whose Liturgie he then would and still doth gabble over with great seeming devotion, and uplifted eyes a few hours after he had been Blaspheming Christianity; but his form of saying the Common Prayer sufficiently recommended him to Coll. *Fletcher*, so that the Secretary *Clarkson* was prevailed on to make him his Deputy for a Hundred Pounds a year Rent; and Coll. *Fletcher* gave him Fifty Pounds *per Annum* Salary out of the Kings Revenue as Clerk of the Council, and through all his Government made use of his vile Service, and afterwards recommended him to the Earl of *Bellomont*, as one of the honestest men in the Government; although at the same time he knew the said *Jamison* was actually marryed to two Wives then living. This man so qualified was intrusted to do this piece of Service, but 'tis believed the aforementioned Coll. *Bayard* gave him some assistance in furnishing him with some Materials, & without doubt according to orders, no falsehood was balk'd that could serve the cause, and so this Libel was hammered out, in which there is

scarce a Paragraph, but what contains one or more Scurrilous Untruths, which are delivered with an *Highland* modesty and peremptorily affirmed to be truth without any proof, on purpose to Vilify the Transactions of the Revolution, and Massacre over again the Reputation of those, whose persons were murdered Eight years before for their Loyalty, and withal the Villany proper to persons who hate the present Government are added to this Account some Servile Votes of the Assembly of *New York* made to flatter their new Governour Coll. *Slaughter*, who signed these Loyalists Warrant for Execution, and likewise is Printed an order or report (God knows how obtained) of the Committee of Trade for Justifying the said Condemnation and Execution. But this Libeller, contrary to his duty, to truth, allegiance to His Majesty, and respect to Laws (for he could not hide his Virulency to the present Government) takes no notice of the Act of Parliament of *England* Reversing the Attainders of these Condemned Gentlemen, which gives the Lye to his whole Libel, Justifies Capt. *Leisler* as Lawful Governour of *New York*, and in full effect expresses that he was basely Murdered, contrary to all Law and Reason, for doing his duty as His Majesties Lawful Governour of *New York*; which is the sence of the words of the said Act. But the Libeller did as he was ordered, and the book raised the flame it was designed to raise, and was carryed to the Press by Mr. *Brook* (who although a Refugee from *Ireland* and preferred by King WILLIAM to be Collector and Receiver General of the Customes and Revenue of *New York*, and a new-comer thither, took upon him to be one of the bloody Judges of this Royalist; but is since for betraying his said Trust and neglect of his duty, suspended from all his Employs, even that of being Judge, and one of the Council, by the Right Honorable the Earl of *Bellomont*, who was his Security for his Collectors place to the Commissioners of the Customs of *England*, but could not bear his treachery to that Trust which he himself had been In-

strumental to advance him to. And Mr. *Wilson* late Sheriff of *New York* a hot headed despicable fellow, who to serve the Tory party, contrary to his Oath, made a most false Return of Assembly men to serve for the Counties of *New York*, and *Orange* in the last Assembly. For which palpable breach of his Oath and Trust, His Excellency the Earl of *Bellomont* with consent of the Council suspended him from being Sheriff of *New York*. But when this Libel was so midwived to the Press by the Kings Collector (who was likewise one of the Council) and this foresworn Sheriff. Then Coll. *Fletcher* calls the Council where 'tis proposed (as appears by the Minute of Council) that a book being found at the Printers, giving an Account of the Revolution of *New York* and contained nothing but Truth. 'Tis resolved *Nemine contradicente*, that it should be Printed. But who were the Council who consented to this great piece of Service to His Majesty? Why Coll. *Fletcher*, who is supposed to have given orders for its being Written. Coll. *Bayard* of whom enough is said plainly and truly. Mr. *Brook* who carryed it to the Press and was one of *Leislors* Judges; Mr. *Pinhorn*, another of *Leislors* Judges (who is since removed by His Excellency the Earl of *Bellomont* from being Judge and of the Council, for speaking most Scandalous false and reproachful words of His most Sacred Majesty King WILLIAM, and for protecting and concealing in his house a Popish Priest) and some other Enemies of the Revolution. So that (to omit the false sordid flatteries given to Coll. *Fletcher*, which are impertinently added by the Libeller) it is apparent that there was a wicked conspiracy, by this book to give distraction (by Printing it just before the Earl of *Bellomont's* Arrival at *New York*) and thereby to divide the People and so to disturb Affairs under his Government, that there should be no time or opportunity of quickly inquiring into the Corruptions of Coll. *Fletcher's* managements.



This was the time and design of its Publication, these the qualities of the supposed Authors, and of the Persons who carryed it to the Press, and after this manner (by Coll. *Fletcher* and the afore mentioned of the Council) it was permitted to be Printed; so that it is no wonder, that this book was a Mine Sprung from Hell to blow up the Peace of this Province, when so many Sons of Belial in Office and Authority joyned in its Contrivance and Publication, who must keep to their nature and not stick at any plain falsehood (although it fly in the face of the King, Lords and Commons of *England*, and Truth itself) that may Exasperate and raise a flame, and if possible Murder over again those Martyrs for their Loyalty, Capt. *Leisler* and Mr. *Milbourn*, who were barbarously Executed for bravely Asserting the Rights and Liberties of *Englishmen* against Popish and Arbitrary Government; and for their Early and Sincere Affection to His most Sacred Majesty KING WILLIAM, whom GOD send long to Reign.

[Here follows a reprint of the official publication of the *Act for Reversing the Attainder of Jacob Leisler and others*—6 and 7 Will. III. Anno 1695. Printed in the *Documentary History of New York*: II. 485-87.]

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#### A BILL FOR RECONCILEING OF PARTIES.

WHEREAS there is nothing that doth more conduce to y<sup>e</sup> quiet good and prosperity of any Kingdom Commonwealth, Colony, people or place than y<sup>e</sup> hearty affection unanimity agreement and mutual amity of its inhabitants y<sup>e</sup> defects whereof in this Colony for divers yeares last past hath unhappily created great dissensions, troubles and animosities, for y<sup>e</sup> laying and appeasing whereof Several good laws have been made Enacted and Provided and amongst y<sup>e</sup> rest an act of the general assembly made in y<sup>e</sup> third year of y<sup>e</sup> reigne of our now Sovereigne Lord King William the third and of y<sup>e</sup> late Queen Mary of ever happy memory Entituled an act for Quieting and Settling y<sup>e</sup> disorders that have lately hapned within this province and for y<sup>e</sup> establishing and

Securing their Maj<sup>ties</sup> present government against y<sup>e</sup> like disorders for y<sup>e</sup> future, which on y<sup>e</sup> eleventh day of May in the year of our Lord One thousand six hundred and ninety seven by their excellencys the then Lords Justices of England with the advice of y<sup>e</sup> Privy Councill was approved confirmed finally enacted and ratified notwithstanding which y<sup>e</sup> good ends by y<sup>e</sup> same Act designed and intended have not been attained but on y<sup>e</sup> contrary to y<sup>e</sup> great displeasure and griefe of those who cordially Love and desire y<sup>e</sup> good and welfare of this Colony (it's feared) y<sup>e</sup> heats and animosities between y<sup>e</sup> inhabitants of y<sup>e</sup> same have been of late years industriously cherished and fomented for y<sup>e</sup> remedy whereof and to effect an intire reconciliation among all y<sup>e</sup> good people of this Colony, that all dissensions, differences in opinion, Controversies, Strifes, heartburnings and animosities whatsoever may forever be obliterated, appeased extirpated forgotten & extinguished and love Concord, union mutual friendship, piety & Christian Charity, incited, Confirmed, Renewed, promoted & Incouraged.

*Be it enacted by his Excellency the Governour by and with the consent of y<sup>e</sup> Council & Assembly and by y<sup>e</sup> authority of the same,* That no felony, homicide, act of Hostility Trespasse, assault, imprisonment, Taking away of goods and chattels wrong Injury or molestation whatsoever advised, councelled, Comanded, appointed, happened, acted or done by any person or persons whatsoever within any part of this province from the Eighteenth day of April which was in y<sup>e</sup> year of our Lord 1689 untill y<sup>e</sup> 30<sup>th</sup> day of August in the year of our Lord 1692 Shall at any time hereafter be brought in Question or dispute but that y<sup>e</sup> same be forgiven, remitted, indulged, Released and put in utter oblivion and that all prosecutions, appeals, and all personal actions Suites, Claimes, and Demands whatsoever against any person or persons whatsoever Body Corporate, Cities, Townes, and Villages, and all his majestys' subjects whatsoever for or by reason of any act matter or thing whatsoever as aforesaid done passed or transacted in

any part of this Colony from said Eighteenth day of April in the year of Lord 1689, untill y<sup>e</sup> s<sup>d</sup> 30<sup>th</sup> of Aug<sup>st</sup> in the year of Lord 1692 and all Judgments and Executions thereupon, already had or brought or to be had or brought at any time hereafter are hereby and from henceforth discharged and annulled, & declared to be invalid & voyd to all intents Constructions and Purposes any law, Statute or ordinance to y<sup>e</sup> contrary in any ways notwithstanding.

*Provided* always that nothing here contained shall be construed or intended to discharge & make void any voluntary Contract or debts grounded upon any lending or goods sold or by Speciall or any contract or Covenant deed or Conveyance for any Lands, Tenements Hereditements goods or Chattels between any person or persons whatsoever within this province between y<sup>e</sup> days & times above limited and expressed. But that such Contracts, Debts, Covenants & Conveyances shall be and remaine in the same condition & of y<sup>e</sup> same virtue and force as if this act had never been made or passed, and to y<sup>e</sup> end that the Quiet good & prosperity of y<sup>e</sup> people in this province may for y<sup>e</sup> future be maintained and supported with hearty affection agreement and mutual amity, and friendship and that all Strifes, heats, animosities, may be suppressed.

*Be it Enacted by the authority aforesaid* that All and every person or persons within this province, that shall hereafter charge and upbraid any of his Maj<sup>ty</sup> subjects within y<sup>e</sup> s<sup>d</sup> province with any act of felony homicide, hostility, Trespass, assault, Imprisonment takeing away of Goods & Chattels, wrong Injury or molestation done or acted by any person or persons whatsoever within any part of this province from y<sup>e</sup> aforesaid 18<sup>th</sup> day of April in the year of our Lord 1689 untill y<sup>e</sup> aforesaid 30<sup>th</sup> day of Aug<sup>st</sup> 1692 or that shall disdainfully upbraid any person or persons with y<sup>e</sup> name of Leislerite or the murdering or Killing of Leisler or any other opprobrious words or terms by which the peace of y<sup>e</sup> government may in any measure be disturbed, such person or per-

sons offending in manner aforesaid shall for each offence so by him committed and thereof convicted before any Justice of the Peace within y<sup>e</sup> s<sup>d</sup> province (who are hereby authorized and impowered to hear and determine y<sup>e</sup> same) shall forfeit and pay the sum of forty shillings to be levied by distresse upon the goods and chattels of y<sup>e</sup> person offending & convict as aforesaid, and if the person offending shall not have goods and chattels sufficient for the paying the said fine or forfeiture, then he shall be ordered to sitt two hours of y<sup>e</sup> forenoone in the Stocks in the Towne or place where such offence is committed, with an Inscription on his forehead reciting y<sup>e</sup> words by him disdainfully uttered, one half of y<sup>e</sup> s<sup>d</sup> fine or forfeiture to the Informer, the other half to the poor of the place where such offense shall be committed.

Citty of New York, *Die martis ante mer.* Jun. 14<sup>o</sup> 1698, in the tenth year of his maj<sup>ty</sup>s reigne.  
House of Representatives for the province of New York.

This Bill having been read three times is passed & ordered to be sent up to his Excellency the Governor and Council for their assent.

By order of the House of Representatives,  
PHILLIP FRENCH, *Speaker.*

ANSWER OF THE CHURCH WARDENS OF THE DUTCH CHURCH  
CONCERNING THE REBURIAL OF LEISLER AND  
MILBORNE IN THEIR CHURCH.

[Translated from the original in Dutch by S. Aloffsen, Esq.]

Copy.

We the churchwardens having been requested by Isaac de Riemer in the name of Mr. Jacob Leisler to bury the corpse of his father and Milborne, in our Nether-Dutch Church—give for answer, because we are pressed by both parties in the Congregation and very much desire to preserve peace and quiet in our Church,

that we cannot consent thereto, but also that we shall not hinder it.

In New York, 1698,  
October 14th.

THEUNIS DEKEY,  
JOHANNES KIP,  
BRANDT SCHUYLER.

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LETTER FROM MEMBERS OF THE DUTCH CHURCH IN NEW  
YORK TO THE CLASSIS OF AMSTERDAM.

*To the Right Reverend Classis of the City of  
Amsterdam :*

Right Reverend very learned Seigneurs Fathers and  
Brothers in Christ.

In the beginning we would request your Reverences to excuse us that in this account we are obliged to be somewhat more tedious, than at first view would seem to be necessary ; but by the continuation of the account it will appear, that the one without the other would not have had sufficient coherence. In particular do we consider it an extraordinary favor of Heaven, that we have this opportunity to lay our business (that it may see the light of Heaven) before so Reverend and wise an assembly. The sorrow and fear which we have had during the last year of the Reign of our ex-King James, have been unusually great and frightful, for hearing with what violent strides the Popedom in England was breaking forth and taking a stand, what greater success the Dragonades in France had had, and seeing how in these distant regions the foundation was being laid to introduce the same here in every manner, we could well imagine what was in store for us. The Jesuits had already built a school here, under pretence to teach the youth the Latin Language, to which some even of the most influential had already sent their children ; and our Church Bell was tolled about eight o'clock in the morning when the School began. Yes, some whom one would not have suspected of it, had already slyly heard a low mass, although they afterwards

said that it was only through curiosity. The Royal order having arrived from England commanding us to thank our Lord God in a solemn manner and burn bonfires over the happy delivery of the Queen of a Prince of Wales it was executed with extravagant joy and the utmost tokens of wanton gladness, even of those who were the Heads of our church ; whilst every man open to reason, and reflecting upon the consequences, could readily guess that the pretended birth of this prince was a mortal stab for the Protestant Religion in England, and consequently for ours. For us therefore nothing else was to be done than to possess our souls in patience, and wait how God's Providence might please order it. In such a condition of mind it can well be imagined that our joy and gladness was still far greater than our sorrow had been before ; when we received the certain intelligence that His Royal highness the Prince of Orange, now our blessed Monarch, had arrived in England with so powerful an army to release that country from Tyranny and Popery ; and had been received by the principal inhabitants with unusual joy and extreme affection. To which was still added, to our greater contentment and assurance the news that the inhabitants of our neighboring Boston had also declared themselves for the Prince of Orange, and had arrested their and our Governor Sir Edmund Andros and his Council who had refused to do so. All these reports, as we have said, coming at the same time, the people could not be restrained. They cried out that the magistrates here ought also to declare themselves for the Prince of Orange, for we had more reason to do so than those of Boston ; that his forefathers had liberated our ancestors from the Spanish yoke and his royal highness had now again come to deliver the kingdom of England from Popery and Tyranny. This they said and demonstrated with that love and affection for the royal house of Nassau, which is natural to the Dutch nation (as they are called here) although they have been so deplorably rewarded therefor. Our Rulers were unwilling and too timid to risk anything, thinking it might

be a Monmouth work : however the terrible outcries of the people caused an assembly of the Civil and Military Council, where everybody was sworn not to divulge or communicate among the people anything which might there be discussed or resolved upon. Nevertheless it leaked out that those who had dared to speak in favor of the Revolution had been met very sharply and intimidated with menaces, and that the Lieutenant Governor Nicholson had pulled from his pocket his commission from King James and thrown it upon the table, swearing with big oaths and protestations that he would live and die by the same. A short time afterwards we saw in the morning that the cannon of the Fort had been turned towards the City, upon which the people flew into fury, and the magistrates were obliged to grant them permission to inspect the magazine, and that the Militia with one company should mount guard in the Fort at night. Yet they were not allowed to place their sentinels over the whole of the Fort, but all had to remain within the limits of the park ; and it became known privately that it was the intention of the magistracy to let the soldiers whom they had ordered from Boston through a postern into the fort, and then with those who were of their opinion again to beat the Burgher Militia out. From all this nothing was to be expected but a massacre over the whole land, because the minds of the people were in the highest degree exasperated, and those who were in favor of the Revolution were certainly ten to one. The Burghers seeing that nothing could be done with the magistracy, and that the attempt would probably be made in some way or other to overreach them, looked earnestly for a leader, and at last persuaded Captain Jacob Leisler to commence the work with the Burghers ; not, however, with the intention to exclude the magistracy or Lieutenant Governor, but solely to be master of the work, and in case of an enemy from abroad (of which they heard some rumors, which afterwards were also found to be true) it would not be possible to force upon them an agreement against their will. It was then un-

dertaken in this wise, Captain Leisler forced as it were by the people marched into the Fort, and at the same time all Companies of the Militia assembled in front of the residences of their respective Captains. These and some of the Lieutenants not having been found, they conjunctly marched off led in order by subaltern officers to the Plain of the Fort. Here whilst standing in order the Captains and the Colonel (who was also one of the Supreme Council) came and intimidating them with menaces tried to prevent the Militia from joining the company of Captain Leisler, but they remained steadfast, and at last one of the Ensigns of the Militia had the hardihood to march in with his Company and was followed by all the others. The Captains having been convinced, also came in and signed in public upon a Drum (although some rather backward) that they were in favor of the Prince of Orange, but the Colonel was in no way to be persuaded, to join the others, although he was very politely invited to do so in the name of the entire Militia and some private friends tried with much reasoning to make it agreeable to him, because he well knew (yes, he even said so,) that if he would but follow, all would follow. When this to the great regret of the Militia did not succeed, they tried to set things in order as well as they could, called a meeting over the whole land, in which it was resolved that the Captains in turns should have the care of the Fort, and conjunctly write to England of what had been done, requesting that the supreme authority there would please to direct them what to do. All this having been so softly and easily accomplished, everything would have become quiet, until relief should have arrived from higher hand, if the magistrates who of themselves had retired from the administration, had been contented to be quiet and wait for the order from England: but they tried to upset everything, attempting to expel those who then had the power of arms in their hands, because their number was so small, and this madness grew more and more, after it became known that matters in England looked well, and that every-



thing appeared there to lead to the desired result. Now it is to be known that most of the magistrates or those who were their friends, in particular those of the Dutch nation were also elders and deacons and therefore heads of our church. With these D° [Domine] Selyns united himself allowing himself very imprudently to be used by them, to advocate this cause from his pulpit, accusing the People with the greatest bitterness and partiality of Rebellion and riot against their high Magistrates. This made the breach immediately incurable, for knowing that they had done everything in uprightness and for a good cause, yes that the magistrates ought to have led them therein, they began to greatly hate them. D° Selyns continued in this manner for all the time the administration remained in the hands of Commander Leisler, omitting nothing that he knew could in the least exasperate the people, and flung from the pulpit everything that was suggested to him by the most furious partisans. The most prudent and peaceful of the classis, certainly tried to reason with him and to induce him to keep out of that work, and not to soil his Ministerial calling, which was so highly elevated above all this, with such insignificant things, and to make his mission not at once entirely useless; that enough mistakes were being committed on both sides, and that he ought to show every one his duty, and keep himself aloof from partisanship: but to this he could by no means be brought.

Commander Leisler being confirmed in the administration as well by the people as by the letter of his majesty, in a very short time, brought the Fort and in particular the City (whose Fortifications had entirely fallen in decay) into a suitable position (having been assisted therein with uncommon zeal by the people) and notwithstanding the opposition of his Enemies put things in such order that the government came into its full posture of defence, so that his name in the whole of the West Indies became so respected in a short time that here we had to fear for no enemy from abroad. Yes, if

we had been united among ourselves we would have known of no war; but at Albany where he could not always be in person, the French and savages of Canada were given fair play by his Enemies so that they took advantage of the opportunity and surprized Schoonec-tade (a place 12 miles distant from there) and massacred and burnt it with the greatest fury in the world, in which those of Albany were much to blame for violently preventing those from going who were for Commander Leisler, and desired to march thither when the news came that the French were advancing. Here the pious D<sup>r</sup> Tassemaker was deplorably and barbarously murdered; and his head put upon a pole was carried in triumph to Canada. The expedition which was afterwards undertaken with very many people also from the neighbouring Governments and so ably conducted that unless by special accident the design could not fail, was also intentionally spoiled because he was unable to be personally present, and because they grudged him the honor thereof.

In the month of January Major Richard Ingoldsby arrived with his soldiers from England, to remain here in garrison, Colonel Slaughter our Governor having first gone to Bermudas. Allowing himself immediately to be seduced by those who were against Commander Leisler, he demanded the delivery of the Fort. Leisler asked him for his authority either from the King, or from Governor Slaughter, but he could show none, and the Fort therefore was at once refused to him. Yet he was with all manner of civility invited as long as Governor Slaughter remained so tardy to make the house of Commander Leisler his personal abode, where he would be entertained with their utmost ability, and to have his soldiers quartered among the Burghers, where they also would receive all possible comfort; but nothing could satisfy him but the surrender of the Fort, although he well knew that his order was, should he arrive here sooner than the Governor, to remain with the soldiers quietly on board until his arrival, or otherwise the Com-

mander could order him to do so if it were necessary : And also that Commander Leisler could not deliver the Fort to him except upon an expressly written order after the usages of war without betraying himself and making himself culpable, so that they could have hung him as a Villain in the gate of the Fort, which was their intention if he had not known how to avoid this snare. They then incited the whole country against him as against a Rebel who refused to let the King's Soldiers enter into his majesty's Fort, everything possible was attempted to bring on a collision, saying amongst themselves, we will continue to provoke the Dog until he bites, and then we will have cause enough for an action against him, doing their best to make him lose his patience, and that in such a villainous and brutish manner that we would be ashamed to write it down upon paper. Some of the Consistory also did not find it improper to march with their muskets in company of all sorts of rascals against their fellow citizens and members in the Fort ; by which it happened that a large piece of cannon loaded with musket balls and small shot in being pointed towards the Fort was fired imprudently, killing several people, among whom was an Elder and a Deacon, and deplorably wounding others. These friends had the Sunday previous been present at the love feast of the Lord's Supper ; how did one another compare after this ? Yes, D<sup>r</sup>. Selyns having been asked by an elder who was sickly, how the French did, said, they are still full of constancy in this work. This accident having happened they cried out that it was the fault of that black Dog, he was a murderer of these poor people. Yet the man meanwhile was keeping quiet, with his men in the Fort, although it was in his power, had he desired, to destroy everything in a short time, for even had he wanted a thousand men or more, they could have been had in a few hours. Relying upon his good cause and having an abhorrence of the spilling of Citizens' blood ; he had not the slightest idea that he would have been condemned by his Enemies, and not

be allowed to defend himself before the King; or that the Governor would have approved such a sentence and signed the Execution. A few days afterwards Governor Slaughter arrived, and because it was in the evening, the surrender of the Fort was postponed until the next morning. Meanwhile major Ingoldsby came calling out at the Fort that if Leisler and the chief men should be secured, the rest would be pardoned. Of this they had not the least intention, which otherwise would have been easy for them to do; but they only tried to come before his majesty and thus before the Fountain of Justice to defend themselves. In the morning the said Ingoldsby came into the Fort to Commander Leisler, requesting that he would order his people who were yet more than three hundred men strong to put down their firearms and so to march out, in order to prevent all commotions, and their arms should be immediately returned to them, which he without suspicion immediately caused to be done. The men thus coming out in their side arms were at once attacked by the outside-standing crowd, scolded as being villains and traitors, and robbed of everything, and that with such fury as if they wanted to kill them: The officers meanwhile shouting and screaming—rob them! rob them! and take their guns away from these rascals, they will otherwise murder our wives and children! Yes, one of these Heroes afterwards said that he was sorry he had not ordered them to be stripped and caused them to be scourged with walnut rods out of the city. Commander Leisler was immediately afterwards brought before the Governor, who allowed (having spoken but a very few words to him) that he was spit in the face, and that he was robbed of his wig, sword and sash, and of a portion of his clothes which were torn from him, and that they abused him as raging Furies, putting irons on his legs and throwing him into a dark hole underground full of stench and filth. His council and officers of the militia, and others whom they found in the fort or caught among the Burghers were treated in the same manner, and Governor Slaugh-

ter afterwards never saw nor spoke to Leisler or anybody else of the prisoners, but once when they were confined in the casemate of the Fort and already been condemned, he came to them in the night being drunk, and even then did he promise them that not a hair of their head would be hurt. Although they and still six others had been condemned by a picked jury composed of youths and other bitter men, the Governor could not be so readily persuaded to sign the execution, which at last they got him to do after having made him drunk and under promise of a large sum of money; for he was a poor man who had been hunted up in England in order to play this tragedy with. Everything was done to impress him with the necessity of the moment. All the three Dutch Ministers exaggerated in the pulpit as well as in their conversation the pretended tyranny of Leisler, and declared that an example ought to be made of him. Even wives of principal men threw themselves at the feet of the Governor begging him for the love of God to have compassion on them and the country; saying that union nevermore would come, as long as those villains were alive, and therefore he ought not to hesitate to let them be hung, and then at once they would have peace and union, which otherwise would be impossible. At last having hereto been in particular induced by his covetous wife he reluctantly and with great sadness signed the warrant of execution, crying aloud in great oppression, O God! how shall I be able to answer for it before Your Majesty and my king, and so he had from that time not one peaceful hour. The more because he learnt from the High Sheriff by whom he had ordered the Execution with what Christian courage they had died, protesting before God, that all they had done had been for the protestant Religion, and for king William and queen Mary; praying that the Lord would grant them a long and prosperous reign, praying also for him the Governor (Slaughter) wishing him a peaceful administration, forgiving all who were the cause of their death,

and begging if they had offended anybody that they would also forgive them ; exhibiting in everything such Christian patience, that D<sup>o</sup> Selyns himself was touched by it, and confessed that they died as Christians, although he previously in great passion had said that Leisler was a Devil in the flesh, and never could be saved ; for which he was reprov'd even by his wife and others who stood by. The magistrates tried to dispel this melancholy of Governor Slaughter by frequently making him excessively drunk, but when the wine had been slept out, the regret and despair again returned uppermost. Receiving from them, upon his rueful lamentations little better comfort than Judas received from the High Priests, and after having been tossed to and fro for some time by various passions and affections he died suddenly of disease of the heart. If our three Dutch Ministers had done the same as D<sup>o</sup> Daillé (a French Minister at Boston) was wont to do who thinking that something more mild could have been done, went to the Commander Leisler and exhorted him to meekness, and when he was in prison and condemned did all his devoir to dissuade Governor Slaughter from the execution, urging him not to let Leisler die. Now if these three had done their duty, who does not see that this murder could have been prevented ? but they were very far from doing so. Being now in possession of the Governor's signature and consent to the execution which they received on Thursday the 14<sup>th</sup> May, 1691, D<sup>o</sup> Selyns let himself be used to announce to them their death and came whilst they were sitting to take supper together. Yet he had no patience to allow them to do so, although he might well have been aware that such a message would take away all their appetite : He therefore delivered his message in a curious manner, saying that he came to bring them good news, that not all of them should die, but said he to Commander Leisler and Secretary Milborn, you both shall die on Saturday next, being the 16<sup>th</sup> May, and you have to prepare yourselves thereto. Thus in all the circumstances show-

ing that in all these his actions he was not as much affected as he well might have been, and afterwards he did not visit them until the day they were executed. The joy of those who desired to kill him [Leisler] was inexpressible, it was—where? where shall we now put the gallows? and when some told them that these things coming to the ears of His Majesty, might yet be changed, they answered, we will take good care that the King shall not know it, as we have done thus far, nobody will speak against it. The gallows was then made of those pieces of wood which they had put in readiness upon the walls of the Fort, with which to turn away the storming enemy. To give an account of the execution in all its details is unnecessary, because this was sufficiently done in a short time after it occurred by women who went hence to Amsterdam, we therefore will only mention how D<sup>r</sup> Selyns and the two other ministers behaved themselves afterwards. These every one in his place were advocates for the necessity of the act, and D<sup>r</sup> Selyns excelled therein, asserting that otherwise neither peace nor union could be expected among the people; which could result in nothing else than the contrary, for the people knowing that Commander Leisler and all of them had done this work for the King and for their liberty, began to feel an implacable hatred against the instigators of the murder, and the others by their manner increased this feeling as much as was in their power. For as it is customary after the punishing of the chiefs to proclaim and grant a perfect pardon and amnesty for the rest, especially when the delinquents are large in numbers, here they did to the contrary, because they intended to take their full revenge, as some had already said, that of those whose blood they could not get they would have their goods. Now every one who knows how far in England the law of Confiscation extends in England, can easily imagine what they intended to do here, had not the fear of some day being called to account kept them back. In the Church it was the same, those who were the most bitter in this

work were elected to the church offices, by which the people got such an aversion to the public worship, that at first only a tenth part enjoyed the Lord's Supper, and some have to this day not enjoyed the same. Of this D<sup>o</sup>. Selyns was the great cause, continuing constantly to plead for the doings of the Magistrates, the people ought to confess their fault or there could be no pardon. This manner of doing brought the country into the greatest confusion and peril in the world, for those of the Magistracy thinking of nothing but revenge allowed all the fortifications (which Commander Leisler had kept in excellent order) to go to decay. The strength of the country was gone, for those of the people who in case of an enemy's appearance would have been called upon to fight, had been disarmed, denounced for villains and baffled in all sorts of ways, which in times of a hostile surprise would have made them run nearer to the enemy than to the Fort. Those of the Magistracy seemed not to be afraid of the French. Some of them said that the French well knew where they should go to. Yes, D<sup>o</sup>. Varick, Minister at Midwood, said he would go and meet them with a glass of wine and bid them welcome—which agreed with the saying of D<sup>o</sup>. Dellius (who was continually in correspondence with the Jesuits of Canada) that the King of France was not at war with the kingdom of England, but only with those who held it with the Prince of Orange. D<sup>o</sup>. Selyns continued to do nothing else but on every occasion to enlarge the power of France and to impress upon the people the impossibility of a good result. From all this the miserable condition in which we were can be seen, for the Magistrates instead of Fathers had become Stepfathers only seeking for cause to dispense punishment. In church frequently more pleading was heard than preaching: and what was most dreadful for us, if the enemy were to come we would not have been treated as prisoners of war but as conquered Rebels and Traitors, and would have been pointed out to the Enemy by our own fellow citizens and believers.



This many bitter people seemed to long for, for if it had gone according to their mind, not two only but a great many would have been hung, which the most envious of them estimated at some hundreds. And that would not have been done all at once, but now and then a holyday would have been made of it. This evil now having lasted for more than seven years it was high time that with this joyful peace we also should at last have peace among ourselves. This would certainly have followed for a great part in the church if we could have had besides D<sup>o</sup> Selyns a peaceful and impartial Minister, whom we would have found in D<sup>o</sup> Niecella had it not been prevented by the other and his party as your Reverences can learn from our Petition to our Governor My-lord Bellomont. However as it has now happened, that we enjoy the felicity of having our cause examined before your Reverences' wise Assembly, so have we perfect confidence, that the Reverend Classis by their authority and wisdom will reconcile us—to whose judgment we fully submit. We only request that the calling of the Ministers for this congregation shall be done in no other way than after the ancient custom and in equity, which has been sufficiently set forth in our Petitions, especially as the call upon D<sup>o</sup>——— has been made by these seven persons of the ordinary consistory; and some of the old consistory, after it was done and the letters were ready to be sent away, have also consented thereto. But we in no way understand that, should his Reverence decline the call, then two partial men at Amsterdam shall provide us with a young Pleader instead of a Preacher, which we know to be the intention of D<sup>o</sup> Selyns and his party, judging those persons incompetent to get for us an impartial teacher; for the one has been here a bitter enemy of the Revolution and has done his best that things have come to that extremity, which easily could have been prevented. The other is so rash and partial in his judgment of our cause, that before he had perfectly understood the same, upon the bitter writing of D<sup>o</sup> Selyns,

he condemned D<sup>o</sup> Niecella from what he had done as unworthy ever to enter the pulpit, as he has written to his friends here. This need not be contradicted in any other manner than that his congregation in general had with much love received him again, disapproving entirely the outrageous proceedings of some of their consistory against his Reverence. Therefore if the nomination of D<sup>o</sup> ——— is not confirmed no one is better entitled to the place than the brother of D<sup>o</sup> Niecella, Minister at Surinam, who would certainly have been ours [our Minister] if the congregation had been allowed to have its choice and if D<sup>o</sup> Selyns and his party had not been opposed thereto, and we think it very absurd that D<sup>o</sup> Selyns and his party are trying to prevent that a Minister of our neighbouring church should be called here, or from Surinam, with which place we have some commerce and consequently the opportunity to get from there a Minister sooner and with less expense than from Holland. Therefore our humble petition is that the Reverend Classis would be pleased to order here as well as in Holland through the Honorable West India Company, that we and our neighbors may be at liberty to do so.

Yesterday the 20<sup>th</sup> October both the corpses of Commander Jacob Leisler and Jacob Milborne were here with great solemnity again interred in our Dutch Church, their arms and hatchments of honor were there hung up, and they thereby as much as possible restored in their Honor, for which his Honor's son Jacob Leisler had received special permission from his majesty to the inexpressible joy of their families and of the people who under him had taken up arms for our blessed King William. We hope that herewith the discords which so long have tormented us will also be buried, to which our right noble and wished for Governor, My-lord Earl of Bellomont is doing his utmost devoir, who without regard of persons with very great equity and mildness tries to do justice, having now (to begin with the Lord God) ordered over the whole land a solemn Day of Fast

and Prayer exhorting the inhabitants by a grave proclamation fervently to pray herefor to his Divine Majesty, whereto we hope that the Lord will grant his merciful blessing—which blessing and mercy we desire for Your Reverences with all our Hearts.

N. York in America, the 21<sup>st</sup> October, 1698.

PETITION AND REMONSTRANCE OF THE NEW YORK HOUSE OF REPRESENTATIVES.

*To his Excell. Richard of Bellomont Capt. General & Gov<sup>r</sup> in Cheif & Vice Admiral in & over his Maty<sup>e</sup> Province of New York in America &c.*

*The humble Peticōn & Remonstrance of the Representatives of this his Maty<sup>e</sup> Province of New York, Conven'd in General Assembly.*

May it please yo<sup>r</sup> Lordship.

We y<sup>e</sup> Representatives of his Maty<sup>e</sup> Province Conven'd in General Assembly, do with all due Respect & Humility, approach yo<sup>r</sup> Lordship, to Assure you, that y<sup>e</sup> same inviolable Loyalty w<sup>ch</sup> has hitherto affected & inflamed our hearts towards y<sup>e</sup> Crown & Govern<sup>t</sup> of England, will ever preserve us in a most Religious & Steady Perseverance therein, being thoroughly sensible how great a Blessing it is to be subject to y<sup>e</sup> best & greatest of Kings, & under so noble a Constution of Laws, as makes England this day y<sup>e</sup> Envy of all its Neighbour Nations. Yet we cannot but with great greif of heart represent to yo<sup>r</sup> Lordship, that we have not of late years enjoyed y<sup>e</sup> felicity of those Excellent Laws, which in their own nature & designment are to Extent to all y<sup>e</sup> Subjects of y<sup>e</sup> Crown, how remote so ever, at least Virtually, & wherein y<sup>e</sup> Lives, Libertyes & properties of y<sup>e</sup> Subjects are concerned.

We were very uneasy under an Arbitrary Cōmission in y<sup>e</sup> late King James's Reigne, which gave y<sup>e</sup> Gov<sup>r</sup> of this Province, among other Arbitrary powers, that of Levying mony without calling an Assembly,

whereby we reckoned that our Lives, as well as Estates, were subject to the Arbitrary will of a Gov<sup>r</sup>. contrary to the known Laws of England; & mony was actually Levied on us, pursuant to the illegal powers of the said Cōmission. The exercise whereof & the dreadfull violence we also apprehended would be done to our Consciences, in Respect of our Holy Protestant Religion, from a Popish Arbitrary King, made us Unanimously & heartily throw off y<sup>e</sup> yoke of Popish Tyranny, & declare for his then Highness y<sup>e</sup> Prince of ORANGE, upon y<sup>e</sup> first News we had of his Glorious & Unparralled Expedition into England.

We acted then, as we conceived, on a Right Principle, & we were the more Confirmed in that Belief, because we acted in Conceit & Conformity with y<sup>e</sup> Glorious People of England. But to our great amazement and sorrow we have suffered severely for our early services to King William & y<sup>e</sup> Crown of England, most of us in our Liberty & Estates, & five of our friends (who had the Honesty & Courage to stand in y<sup>e</sup> Gap when others shamefully drew back & deserted y<sup>e</sup> Protestant Cause, & were therefore by Universal Consent of the People thought most worthy to be cheif in cōmand, till orders should come from ENGLAND) who fell a sacrifice to the Rage & Malice of y<sup>e</sup> Jacobite Party in this Province, who tho' few in Number at that time, had Never the less y<sup>e</sup> Power & influence to prevaile on y<sup>e</sup> weakest of men, Col. Henry Slaughter, Gov<sup>r</sup> of this Province, to order a Tryal for those brave men, & appoint such a sett of Judges, as by principle & prejudice, would not faile to gratifie y<sup>e</sup> malice of their Party, as they did under a forme of Law, which made it the more Cruel & Arbitrary, the said Tryal being ordered by the Gov<sup>r</sup>. & managed by the Bench Contrary to all the Rules of Justice & Humanity; for we are able to make appear, if thereunto required, that never a Revolucion was carried on & mannaged with more moderation in any part of the Christian World.

And further for instance y<sup>e</sup> weakness as well as y<sup>e</sup>

Cruelty of y<sup>e</sup> said Gov<sup>r</sup>, in appointing Nicholas Bayard, William Nicolls (lately suspended by yo<sup>r</sup> Lord<sup>p</sup> from his Matys Council) and Several others so mannag'd the tryal against Cap<sup>t</sup>. Leisler, M<sup>r</sup>. Milbourn, & the other Six Prisoners who were all their a Vowed Enemies, & bore a mortal grudge to the said Capt. Leisler, for their haveing been by him imprisoned in y<sup>e</sup> Fort, for opposing the late happy Revolucon & endeavoring to raise a Tumult among the People, & disturb y<sup>e</sup> peace of the Government, and for telling Capt. Leisler to his face, That the Parliament of England Voting and enacting y<sup>e</sup> Thrones being Vacant, was nonsense, that there was no such thing possible in Nature, nor could be by y<sup>e</sup> Laws of England. Gov<sup>r</sup> Slaughter too by Lodging in Nicholas Bayards house was the more pressed, & sooner prevailled on by Bayards Importunity to sign the Warrant of Execucion. And as an Infallible token of the share he had in that Council, there was a flag hung out of a Window of his House for two days together, before the day of of Execucion, as a Trophy & Signal of the Point gained by him on y<sup>e</sup> said Gov<sup>r</sup>, & of the Victory over the Lives, not only of Innocent, but most deserving men. In those days it was, when y<sup>e</sup> Protestant Subjects were disarmed, & Papists Armed, Nay y<sup>e</sup> Publick faith of Government was Violated; for a Reprieve had been sealed to respite y<sup>e</sup> Execution of those Gentlemen, untill his matys pleasure should be known; yet before this could be known his maty they were Executed. And notwithstanding the Gov<sup>r</sup>s Proclamation, to invite such as fled to shun y<sup>e</sup> hard fate, Several whereof were nevertheless fined & Imprisoned; & certainly more had undergone y<sup>e</sup> hard fate of Capt. Leysler & Mr. Milbourn, had it not been for Gov<sup>r</sup> Slaughter's suddain Death, & the reflection he had, tho' too late of this Barbarous & unwarrantable strange Execution. This was y<sup>e</sup> end of Capt. Leysler & Mr. Milbourn, y<sup>e</sup> former whereof has Expended £2700 out of his own proper Estate, for y<sup>e</sup> service of his maty, as was made appear to a Cōmittee of this House. These were the Days of Wrath and

utter Darkness, so that we must say with y<sup>e</sup> Apostle, Wo unto them, for they have gone in y<sup>e</sup> way of Cain.

Then, Contrary to his Matys Letters Pattents, Richard Ingoldsby, a hot headed inconsiderate person, & a Simple Capt of foot, is made Cōmander in Cheif; & in all the time of his Administracōn, Oppression is still continued. Nor could y<sup>e</sup> change of Gov<sup>r</sup> remedy y<sup>e</sup> same, by y<sup>e</sup> coming of Coll Fletcher, who altho, no blood spilt, yet bruised y<sup>e</sup> Bone of y<sup>e</sup> remnant left, and made his Government an Entire mass of Corruption, by Encourageing Pyracý & Unlawful Trade, & gíveing away almost all y<sup>e</sup> Vacant Lands in y<sup>e</sup> Province, to a few disaffected & undeserving men, neglecting y<sup>e</sup> frontieers of this Province & packing Representatives to serve in General Assembly, Imbezilling & Squandering a way the Revenue & other publick monys, Setting Atheistical Persons in places of greatest Trust in y<sup>e</sup> Govern<sup>t</sup>. All which, & many more Instances of his male Administration, as we are informed, have been already transmitted to England by yo<sup>r</sup> Lordship.

The Representatives Conven'd in General Assembly, takeing notice of what was done herein-for releif, by that most Senate, y<sup>e</sup> Parliament of England, in Reversing of the Attainders of Jacob Leysler, M<sup>r</sup> Milborn & others, cannot but with y<sup>e</sup> greatest of Zeal, and fervency of affection send up their Prayers to y<sup>e</sup> great maty of Heaven & Earth for y<sup>e</sup> Preservation of his matys Royal Person, & of that most Excellent Constution & for y<sup>e</sup> Ministers of State, the influence of whose wise & honest Council, is felt, even at this vast Distance from England. And in humble Confidence of his matys goodnes, we humbly pray yo<sup>r</sup> Excell to lay before his maty this our humble Peticōn, hoping that the same good Angel who led yo<sup>r</sup> Excell to attend his maty, when Prince of Orange; in his Glorious Expedition for England, & brought yo<sup>r</sup> Excell safe amongst us, to put a stop to y<sup>e</sup> oppressions we groaned under, will now move yo<sup>r</sup> Lord<sup>p</sup> in our behalf, to interceed with his maty for our Relief (although as Christians we would forgive our Enemies

& oppressors) That he would be graciously pleased to Extend of his Royal Bounty & Favour on y<sup>e</sup> Families of the said Leisler & Milbourn & also order y<sup>e</sup> Sum of Two thousand Seaven hundred Pounds to be paid unto her (& that care be taken to pay such Debts as are owing for what was Expended in y<sup>e</sup> late happy Revolucion in this Province) in Consideracōn of their sufferings & services for his matys Interest & this Province.

That for y<sup>e</sup> better Administracōn of Justice five able Judges be sent from England (& two or three able Council, who have acquired to that noble profession by study, & not by Usurpation) for the mainteinance whereof we shall not be wanting.

That Coll. Fletcher's Coat of Arms may be pulled down from y<sup>e</sup> Kings Chappell in y<sup>e</sup> Fort, & Trinity Church in this Citty; that since he left no monument of Virtue & a Just Administration, those of his Nautious & Insupportable Pride & Vanity, may not remain to Posterity, especially since his birth was so mean & obscure as that he was not entituled to bear a Coat of Arms.

All w<sup>ch</sup> y<sup>e</sup> Representatives again humbly move yo<sup>r</sup> Excell. to lay before his maty, together with our most Inviolable Loyalty & Obedience to his Matys Cōmands.

By order of the House of Representatives.

ABRA: GOUVERNEUR, *Speaker.*

[May 15th, 1699.]

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#### DEPOSITION OF ABRAHAM GOUVERNEUR.

The Deposition of Abraham Gouverneur of the City of New York of full age being duly sworn on y<sup>e</sup> holy evangelists of our Lord God deposeth and saith that some time in the year of our Lord God One Thousand Six hundred Eighty Nine and Ninety he this deponent was in the city of New York and during y<sup>e</sup> time of Capt<sup>n</sup> Jacob Leisler's government, Clark of the Councill, at which time this deponent did see that the said Leisler did expend great sums of money on the King's account

out of the proper estate of him the said Leisler, and particularly a briganteen of his being coming from England the greatest part of what she brought for his account was sent to supply y<sup>e</sup> souldiers on ye fronteers of Albany, and some part to the Garrison of Fort William Henry in this City, and he this deponent further saith that of his knowledge the s<sup>d</sup> Leisler when some merchants were unwilling to credit the Government, he gave his own bonds or notes to pay them, and this deponent further declares that the said Leisler did often speak to his son Jacob Leisler who kept the Books of y<sup>e</sup> s<sup>d</sup> disbursement & account to see how much had been paid in an account of the government and what was paid out by him and accordingly some little time before the arrival of Major Richard Ingoldesby, the said Jacob Leisler did in the presence of him sum up the same and found that the said Leisler had been out on account of the government more than he had received either two thousand seven hundred or two thousands five hundred pounds. And this deponent further adds that the said Leisler did often tell this to severall persons in this deponent's hearing professing to shew it them in y<sup>e</sup> book but their answer was generall that they did believe it and that it could not be otherwise. And this Deponent further says that the said acc<sup>ts</sup> were kept in a large book which had been brought from Port Royal by Capt<sup>n</sup> Gorderis, it being one of the books of Records of that place, the which said book to this deponent certain knowledge was by the said Leisler left in y<sup>e</sup> fort amongst many other Books and Papers, that very morning he delivered y<sup>e</sup> fort to Col<sup>l</sup>. Sloughter's order but since altho a great many Endeavors have been used the said Book is not to be found or heard of, and further this depon<sup>t</sup> Saith not.

ABRAHAM GOUVERNEUR.

New York the 21<sup>st</sup> Aug<sup>r</sup> 99.

Then appeared before me Abraham D'Peyster, Esq<sup>r</sup>.  
one of his Majesty's council for the Province of New



York the above named Abraham Gouverneur and on his Corporall Oath declared to the truth of this deposition Witness my hand day and year above s<sup>d</sup>.

A. D. PEISTER.

On the back was written  
a true copy  
BELLOMONT.

PETITION OF JACOB LEISLER.

To the King's most Excellent Majesty—The, humble petition of Jacob Leisler.

Sheweth

That Capt<sup>n</sup> Leisler deceased your petitioner's late father was chiefly instrumental in promoting your maj<sup>ty</sup>'s interest at New York in America in y<sup>e</sup> late happy revolution in which conjuncture he did not only expose his life to y<sup>r</sup> utmost hazard but did expend in buying armes and other necessaries on that occasion above four thousand pounds, of which sum there did appear to y<sup>e</sup> Maj<sup>ty</sup>'s assembly sufficient evidence of your petitioner's Father disbursing two thousand seven hundred pounds.

Yet notwithstanding such his signal services by the influence and malice of your maj<sup>ty</sup>'s and his Enemies who were deeply engaged in y<sup>e</sup> Interest of y<sup>e</sup> late King James he was convicted under y<sup>e</sup> forme of Justice for a supposed high Treason which was easily found when some of y<sup>e</sup> Jury were reputed Papists under y<sup>e</sup> direction of y<sup>r</sup> Maj<sup>ty</sup>'s late gov<sup>r</sup> Col<sup>o</sup> Henry Slaughter & Joseph Dudley, president who ordered y<sup>e</sup> execution of your petitioner's late father without sending over for your Maj<sup>ty</sup>'s direction leaving Alice Leisler his relict and y<sup>r</sup> Petit<sup>r</sup> his only Son with six daughters in very deplorable circumstances, having in a great measure exhausted all their substance in supplying y<sup>e</sup> publick necessities.

That upon application made to y<sup>e</sup> Parliament here in England, both houses were so fully satisfied upon y<sup>e</sup> proofs made before them touching your petitioners said

late Fathers' services that an Act of Parliament had lately passed for the reversing of his attainder, and y<sup>e</sup> representatives for y<sup>e</sup> Province of New York Convened in generall Assembly have signified likewise their sense of your Petitioner's father's services & sufferings & losses for your Maj<sup>ty</sup> Service, to his Excell<sup>ty</sup> Richard Earl of Bellomont your majesty's governour of that Province to y<sup>e</sup> end that the same may be humbly represented & have recommended your Pet<sup>r</sup>. as a fitt object of your Maj<sup>ty</sup> favor and bounty & that the same sum of two thousand seven hundred pounds be paid to your Petitioner.

Yo<sup>r</sup> Petit<sup>r</sup> therefore humbly prays that yo<sup>r</sup> Maj<sup>ty</sup> would be graciously pleased to direct that y<sup>e</sup> s<sup>d</sup> money may be paid to yo<sup>r</sup> Pet<sup>r</sup> at New York and that he may receive suche farther marks of y<sup>r</sup> Maj<sup>ty</sup>'s great compassion and Bounty as to your Maj<sup>ty</sup>, in your great wisdom and Justice shall seem most meet.

And your Petitioner shall ever pray

JACOB LEISLER.

THE EARL OF JERSEY TO THE EARL OF BELLOMONT.

Whitehall y<sup>e</sup> 6th February <sup>1699</sup><sub>1700</sub>

My Lord,

The King being moved upon y<sup>e</sup> petition of Mr. Jacob Leisler and having a gracious sence of his father's services and sufferings & y<sup>e</sup> ill circumstances y<sup>e</sup> Petitioner [& his family are] is thereby reduced to; his maj<sup>ty</sup> is pleased to direct that y<sup>e</sup> same be transmitted to your Lordship & that you recommend his case to y<sup>e</sup> general assembly of New York being y<sup>e</sup> only place where he can be relieved and the prayer of his petition complied with. I am, my Lord, Your Lord's

Most obedient & most humble Servant

JERSEY.

This letter was directed to the Earl of Bellomont and is inserted in Smith's *History of New York*,\* page 100, only the words included in [brackets] are not to be found in it. It was wrote by the Earl of Jersey. [DU SMITHS.]

[\* Edition of 1757. P. 140, Ed. 1776; P. 141, Ed. 1829; P. 162, Ed. 1890.]

## JACOB MAURITZ'S BILL OF DISBURSEMENTS, ETC.

[Translated from the original in Dutch, by S. Aloftsen, Esq.]

*Copy of an Account rendered by Capt. Jacob Mauritz  
to the Commissioner appointed by the Assembly to  
examine the Accounts of the Government.*

## ACCOUNT OF MONEYS DISBURSED.

1692

31 May. At Sundry times to Jacob Leisler	£88 6 6	
10 June. To Jacob Leisler and Johannes Provoost	15 5	
	<hr/>	£103 11 6
By Mr. John Manley advocate at sundry times		54 1 10
By cash to Johannes Provoost		8 9 2
Jacob Willemse Roome Holland courant f. 6		
Daniel De Klerck		2 0 0
For account of the Ship the Bear		17 11 6
By cash to John Thomas		6 10 0
For an order for the condemned and to take recognizance and other expenses		29 4 6
By extraordinary Expenses for various declarations and having been 12 times in Whitehall sometimes more than 20 persons and more other expenses for which account the sum of £50 pound sterling and signed		
JACOB MAURITZ		
JOH. PROVOOST		
JACOB LEISLER		
JOHN THOMAS		50 0 0
Yet charged to me in account by Mr. Cullen and obliged to make good to him by interest on £147 for 2 years amounting to	£18	
For a treat at Deal to Governor Fletcher	5	
Letter postage	6 10	
	<hr/>	29 10 0
Sum f. 6		£301 13 6
Deduct for amount paid by Jacob Leisler to Mr. Cullen	£103 11 6	
and that for account of the Ship the Bear	17 11 6	
and of Daniel De Klerck	2 0 0	
	<hr/>	123 3 0
Sum total f. 6		£178 10 6
1689 & 90 By cash to Joost Stoll in England as per his acct. and signature being	£21 4 6,	

and are credited to me by Governor Leisler and his Council the sum of about		£35	0	0
47 May	By lb 300 fine and new gunpowder a 10 gl per lb	75	0	0
	Yet fetched from my wife by Sergeant Johannes Burger lb 100 sheet lead at 6d per lb	2	5	0
New York money		£112	5	0
Holl'ds f 6		£178	10	6
Yet for beef and Pork fetched into the fort when Major Ingoldsby was blockading the fort about lb. 200 a 300.				
Doubt not but your Honor will take care and take into consideration that the moneys disbursed besides the Interest and other losses suffered therefrom will be paid.				

New York the 11 June Ao. 1701-0.

*Errors Excepted*

JACOB MAURITZ.

#### JACOB LEISLER'S PETITION TO THE GOVERNOR AND COUNCIL.

[Read in Council, etc. October 18th, 1701.]

To the Hon<sup>ble</sup> John Nanfan Esq<sup>r</sup> Lieut<sup>t</sup> Govern<sup>r</sup> & Commander in Chief of this Province of New York and the hon<sup>ble</sup> Council of the Same in general assembly convened.

The Humble Petition of Jacob Leisler Son and heir of Jacob Leisler deceased.

Sheweth

That whereas the house of representatives now in general assembly conven'd having taken into their serious considerations his maj<sup>ty</sup>'s directions relating to your petitioner and considering his father's sufferings and disbursements layd out by him and others his Maj<sup>ty</sup>'s good subjects of this province in the time of the late happy revolution for the defence of this province in the late warr, and have thereupon passed a bill to pay the debts afores<sup>d</sup> Entitled an act for paying the debts of the government made in y<sup>e</sup> time of y<sup>e</sup> late happy revolution and finding by the votes of the house that the same is sent up to your Honours,

He therefore humbly prays your honours to take your petition<sup>r</sup> Case into your serious consideration and

that you would be pleased to give your assent to the said Bill that your Petitioner and others may after so long a time receive satisfaction for their honest services and disbursements whereby your Petitioner humbly conceives his majesty's directions may be complied with otherwise your petitioner will be frustrated (at least for a long while) of his maj<sup>ty</sup>'s royal favour to him in said orders Expressed.

And your Petition<sup>r</sup> as in duty bound shall pray, &<sup>ca</sup>.  
JACOB LEISLER.

JACOB LEISLER'S ACCOUNT OF THE DEBT OF THE COLONY OF  
NEW YORK DUE HIM.

COLONY OF NEW YORK DR. TO JACOB LEISLER.

To divers Supplys and Supports of the government of the Colony aforesaid and other Charges and Expenses made in the time of the late happy revolution, amounting to the sum of Two Thousand Seven Hundred Pounds, which said sum of Two Thousand Seven Hundred Pounds was granted by an act of the general assembly of the Colony aforesaid, Entitled an Act for paying the debts of the government made in the time of the late happy revolution to be payd to the said Jacob Leisler in such manner and at such times as in and by the said [Act] was regulat<sup>d</sup>, but remaned unpaid hitherto.

£2700 0 0

N. York, Febr. 18<sup>th</sup> 1712.

p<sup>r</sup> JACOB LEISLER.

On the back of the above account was written the Endorsement as in the Index [the title of this paper] and underneath Lib. B. fol. 49, 50. Read y<sup>e</sup> 15th May, 1714. [Du Simitiere.]

PETITION OF JACOB LEISLER.

To the Hon<sup>ble</sup> the House of Representatives for the Colony of New York now Convened in general assembly.

The humble Petition of Jacob Leisler.

Sheweth

That his late sacred Maj<sup>ty</sup> King William in or about y<sup>e</sup> month of February, in y<sup>e</sup> year 1700, directed his then Excellency the Lord Bellomont then Governour of this Province to recomend your petitioner's Case to the then Hon<sup>ble</sup> House of Representatives for relief therein. Whereupon y<sup>e</sup> s<sup>d</sup> Hon<sup>ble</sup> house on or about the year of our

Lord 1702: passed an act for the payment of 2700<sup>l</sup> unto y<sup>r</sup> Peti<sup>r</sup> which also passed the then Lieut<sup>t</sup> Gov<sup>r</sup> & Council.

And y<sup>r</sup> Peti<sup>r</sup> further sheweth unto your hon<sup>rs</sup> that the said sum of 2700<sup>l</sup> and every part thereof remaining unpaid to your Petitioner, yo<sup>r</sup> pet<sup>r</sup> lately brought in his claim of the said debt to the Commissioners appointed by this honourable house to inspect into the debts of the government and y<sup>r</sup> Pet<sup>r</sup> is desirous to give your Hon<sup>rs</sup> all possible satisfaction how and in what manner the said sum became due, but the books papers and accounts relating thereunto by misfortune being destroyed y<sup>r</sup> Petitioner is unable to lay before your hon<sup>rs</sup> the Particulars thereof.

Your Hon<sup>rs</sup> Petitioner therefore humbly prays yo<sup>r</sup> hon<sup>rs</sup> to take into your Serious Consideration y<sup>e</sup> Circumstances of yo<sup>r</sup> Petitioners Case and to afford your hon<sup>rs</sup> petitioners such relief as to this hon<sup>ble</sup> house shall seem meet.

And your Hon<sup>rs</sup> petit<sup>r</sup> Shall ever Pray, &<sup>ca</sup>.  
24 April, 1714.

JACOB LEISLER.

On the back under the endorsement was written—Read 28 April and committed to y<sup>r</sup> Committee of y<sup>r</sup> whole House to whom his Excellency's speech is referred. [DU SIMITIERE.]

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MEMORANDA MADE BY DU SIMITIERE.

It appears by the different papers I have perused relating to Mr. Jacob Leisler, Junior—

1. *From Nicholas Cullen's letters in Mr. Abm. Gouverneur's possession,*

That he was in London lodged at the White horse in Birchin lane in August, 1695.

That Sir Henry Ashurst employed himself in his behalf.

That Mr. Nicholas Cullen, merchant of Dover was his correspondent and banker.

That Lord Bellomont at Sir Henry Ashurst's table

asked Mr. Leisler if he would go with him back to New York. He was not at that time confirmed in his govern<sup>t</sup> beginning of August, 1695.

That Nicholas Cullen advised him to accept of the offer.

That Ab<sup>m</sup> Gouverneur was in London with Leisler in April, 1696.

2. *From Original Bill of Costs at Abm. Gouverneur's,*

The bill of cost of Mr. Leisler prosecuting his bill in Parliament after the recommitment amounted to about 18 Pounds sterling beside the trouble & pains of the attorney to be what he please dated April 29 1685.

His case was printed in London.

3. *From Original Quittance at Mr. Abm. Gouverneur's,*

Jacob Milborne was in New York in 7<sup>bre</sup> 1685 & had then a letter of attorney of Sir Thomas Griffith, Knight of London, dated the 24 day of April 1684 to receive for him the sums due by Jacob Leisler which having done he gave him a quittance dated y<sup>e</sup> 30 7<sup>bre</sup> 1685—the original I have seen in the possession of Mr. Ab<sup>m</sup> Gouverneur.

*New York, May 31. 1769.* I have been informed by Mr. Buvelot who had it from old M<sup>rs</sup>. Boutecou's own mouth that she came in New York from France during the time that Leisler had the Government that she and her family were well received by him, that he spoke French, that he was a Swiss & that mentioning a Swiss colonel in the french service at that time of the same name, he said it was his brother.

Mrs. Farmer, daughter of Ab<sup>m</sup> Gouverneur who married Milborne's widow told Mr. Hartier a few days after the above date, that Mr. Leisler had retired from France for the persecution and was an elder of the French Church in New York, but if so it must have been long before the Revocation of the Edict of Nants

as Mr. Leisler is mentioned in the list of taxables in 1674.

One Mrs. Latham about 30 years ago was living in New York & said then to a lady of my acquaintance that she lived in Leisler's family, that she helped at the laying of him out & that his head was sewd to his neck, that his body was open at the place of execution, & the executioner was taking out the hart as it was said to bring to a lady who had promised him a reward for it but a gentleman present prevented him from doing it. Saying why he should offer such insult to a man that never injured him. Milbourne was not dead when the Executioner took him down from the gallows & lifted up his arm as if to pare [parry] the blow of the ax that was to cut his head off they were buried in a ground belonging to Leisler to the east of the Commons of the city near the corner of a street call'd *George St.* in the new Plan of the city it was also said that a very short time before their Execution they had assurances given to them by the Governour that not a hair of their head should be touched, but the Bayard party having invited him at a wedding entertainment of one of their family they made him drunk & then prevailed on him to Sign the death warrant & they were hurried to the execution. Leisler appeared insensible & said nothing but Milbourne kept up his spirit & encouraged him, the governour's wife had often at the instigation of the Bayard party upon her knees expostulate the governour to put an end to their life & it was said that after his death she lived in New York obscure and miserable. Leisler people were called *Black people* and Bayard's *White People*. Stories were propagated of Leisler's apparition riding in a Coach at the place he was buried. Leisler was a great owner of lands at New Rochelle & one of the first settlers.

I have from another person that it was said that at the execution a woman took up the heart of Leisler & said it was the heart of a traitor this seems improbable.



Leisler's warrant of Death [was] signed Thursday 14 May 1691—him & Milbourne executed Saturday 16 do. It is said they sung at the gallows the 79th psalm. [They were] Reburied in the old Dutch Church on 20<sup>8<sup>ber</sup></sup> 1698 during a very great Snow Storm as I was informed by a person present who is still living 1769.

Nicholas Bayard opposed Leisler & was kept confined in the fort 14 months, at his release he was sworn one of the Council & not little instrument of Leisler's ruin in Nanfan's time he was arrested for high treason, tried, & condemned the Leisler party having then the uppermost he was from time to time respited owing as it was said to certain sums of money that were from time to time paid by his family to the lieut. gov. but according to the anecdote the children grew tired of disbursing so much & expostulated with their father that he should let himself be hanged (in Dutch *Vader hangh maer*), at once for if he should continue longer to pay for his life they would soon be all ruined.

From another Quarter I learned that Bayard while under condemnation should have said that if the walls of the prison should be made of paper he would not come out because they were telling him he might run away. Bayard was condemned for high treason March 16. 1701. See his trial at large in the State Trials Vol. V. from page 419 to 440.

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34. WM. L. CHAMBERLAIN,	"	68. CHARLES P. KIRKLAND, "



## SHARE

69. H. G. LAWRENCE, *N. Y. City.*
70. EDWARD F. DE LANCEY, "
71. CYRUS CURTISS, "
72. SHEPHERD KNAPP, "
73. EDWARD DEWITT, "
74. D. B. FAYERWEATHER, "
75. MARK HOYT, "
76. CHARLES M. CONNOLLY, "
77. CORNELIUS DUBOIS, "
78. L. O. CLARK, "
79. THOMAS LAWRENCE, "
80. DAVID T. VALENTINE, "
81. H'Y RUSSELL DROWNE, "
82. JOHN FOWLER, JR., "
83. WILLIAM BOWNE, "
84. HENRY T. DROWNE, "
85. NEHEMIAH KNIGHT, *Brooklyn.*
86. WILLIAM S. THORNE, *N. Y. City.*
87. ALEX'R McL. AGNEW, "
88. ROBERT C. GOODHUE, "
89. GEORGE F. NESBITT, "
90. JOHN E. WOOL, *Troy.*
91. JOHN P. TREADWELL, *New Milford, Conn.*
92. ISAAO FRYER, *N. Y. City.*
93. CHARLES J. MARTIN, "
94. FRANKLIN F. RANDOLPH, "
95. SAMUEL COULTER, "
96. DAVID VAN NOSTRAND, "
97. ADDISON G. BICKFORD, "
98. JONAS G. DUDLEY, "
99. THEODORUS B. TAYLOR, "
100. WILLIAM SCOTT, "
101. DAVID SLOANE, "
102. JOSEPH G. HARRISON, "
103. SAME, "
104. SAME, "
105. SAME, "
106. EDWARD WALKER, "
107. JOHN C. HEWITT, "
108. CHARLES I. BUSHNELL, "
109. GILES F. BUSHNELL, "
110. JOHN C. CALHOUN, "
111. THOMAS J. LEE, *Boston, Mass.*

## SHARE

112. S. WHITNEY PHOENIX, *N. Y. City.*
113. SAME, "
114. SAME, "
115. SAME, "
116. SAME, "
117. SAME, "
118. SAME, "
119. SAME, "
120. SAME, "
121. SAME, "
122. SAME, "
123. SAME, "
124. J. B. BRIGHT, *Waltham, Mass.*
125. ROBERT L. STUART, *N. Y. City.*
126. SAME, "
127. ALEXANDER STUART, "
128. SAME, "
129. GEORGE T. JACKSON, "
130. JOHN A. ANDERSON, "
131. CHARLES P. DALY, "
132. EVERT A. DUYCKINCK, "
133. HENRY C. CARTER, "
134. ANDREW J. SMITH, "
135. MATHIAS BLOODGOOD, "
136. J. ROMEYN BRODHEAD, "
137. JNO. A. McALLISTER, *Phila., Pa.*
138. NATH. W. HUNT, *N. Y. City.*
139. THEO. S. PARKER, *Hoboken, N. J.*
140. WILLIAM M. BROWN, *N. Y. City.*
141. AND. BROWN, *Middletown, N. J.*
142. JOSEPH R. VARNUM, *N. Y. City.*
143. CHARLES B. COTTEN, "
144. ALVIN A. ALVORD, "
145. WM. HENRY ARNOUX, "
146. SAME, "
147. SAME, "
148. SAME, "
149. ALBERT SMITH, *New Rochelle.*
150. M. C. MORGAN, *N. Y. City.*
151. S. HOWLAND ROBBINS, "
152. FRANCIS BACON, "
153. A. SPIERS BROWN, "
154. GEORGE C. COLBUEN, "
155. JOHN CALVIN SMITH, *Manlius.*

## SHARE

156. W. B. EAGER, JR., *N. Y. City.*
157. ISAAC J. GREENWOOD, "
158. FREDERIC R. FOWLER, "
159. ANTHONY DEY, JR., "
160. SEYMOUR J. STRONG, "
161. EBENEZER J. HYDE, "
162. WILLIAM B. TAYLOR, "
163. FERD. J. DREER, *Phila., Pa.*
164. AUG. TOETDEBERG, *Brooklyn.*
165. CHARLES C. MOREAU, *N. Y. City.*
166. CHARLES H. HAET, *Phila., Pa.*
167. HENRY PHILLIPS, JR., "
168. FRANCIS B. HAYES, *Boston, Mass.*
169. T. STAFFORD DROWNE, *Brooklyn.*
170. CORTLANDT DE PEYSTER FIELD,  
*N. Y. City.*
171. JOHN S. CRAIG, *N. Y. City.*
172. CHARLES H. ROGERS, "
173. MAURICE HILGER, "
174. E. A. BENEDICT, "
175. WILLIAM EVERDELL, "
176. GEO. R. DROWNE, *Boston, Mass.*
177. J. WATTS DE PEYSTER, *N. Y.*  
*City.*
178. JAMES B. ANDREWS, *N. Y. City.*
179. CONSTANT A. ANDREWS, "
180. LORING ANDREWS, JR., "
181. WALTER S. ANDREWS, "
182. CLARENCE ANDREWS, "
183. WILLIAM L. ANDREWS, "
184. SAME, "
185. JOHN ARMSTRONG, "
186. PAUL K. WEIZEL, *B'klyn, N. Y.*
187. JOHN F. MCCOY, *N. Y. City.*
188. JOSEPH B. HOYT, "
189. JAMES BENEDIOT, "
190. J. NELSON TAPPAN, "
191. FRANCIS WIGAND, "
192. C. H. ISHAM, "
193. D. B. FAYEWEATHER, "
194. JOHN A. HARDENBERGH, "
195. J. W. WEIDMEYER, "
196. EDWIN FAXON, "
197. F. A. GALE, "

## SHARE

198. JOHN CASWELL, *N. Y. City.*
199. WILLIAM C. DORNIN, "
200. WILLIAM P. COOLEIDGE, "
201. JOHN R. FORD, "
202. ISRAEL CORSE, "
203. DANIEL MORISON, "
204. JOHN BRIDGE, "
205. WILSON G. HUNT, "
206. CHARLES H. SMITH, "
207. JOHN P. CROSBY, "
208. ERASTUS CORNING, *Albany.*
209. SAME, "
210. JAMES B. COLGATE, *N. Y. City.*
211. SAMUEL MARSH, "
212. EDWIN PARSONS, "
213. ROBERT J. HUBBARD, "
214. J. WATTS DE PEYSTER, "
215. JAMES A. RAYNOR, "
216. ROBERT J. LIVINGSTON, "
217. JOHN C. BARRON, "
218. HENRY K. BREWER, "
219. JOHN A. NEISEN, "
220. MARSHALL O. ROBERTS, "
221. WILLIAM N. BLAKEMAN, "
222. HERMAN C. ADAMS, "
223. THOMAS B. GUNNING, "
224. ABRAHAM BOGARDUS, "
225. JOHN E. LAUER, "
226. E. M. CRAWFORD, "
227. JAMES O. HOLDEN, "
228. SAMUEL COLGATE, "
229. WILLIAM B. ROSS, "
230. WILLIAM K. HINMAN, "
231. JOHN W. QUINCY, "
232. JAMES M. BRUCE, "
233. MISS ANNIE MOREAU, "
234. LEWIS HALLOCK, "
235. THE LIBRARY OF THE CITY OF  
AMSTERDAM, *Amsterdam,*  
*Netherlands.*
236. MRS. ANNA BOYNTON, *N. Y.*  
*City.*
237. RUFUS D. CASE, *N. Y. City.*
238. CYRUS BUTLER, "

SHARE	SHARE
239. RICHARD S. FIELD, <i>Princeton, N. J.</i>	276. JOHN L. RIKER, <i>N. Y. City.</i>
240. A. O. ZABRISKIE, <i>Jersey City, N. J.</i>	277. WALTER R. T. JONES, "
241. MICHAEL LIENAU, <i>Jersey City, N. J.</i>	278. CLAUDIUS L. MONELL, "
242. WILLIAM A. WHITEHEAD, <i>Newark, N. J.</i>	279. BYAM K. STEVENS, JR., "
243. SIMEON DRAPER, <i>N. Y. City.</i>	280. FRANCIS MANY, "
244. FREEMAN M. JOSSELYN, <i>Boston, Mass.</i>	281. HENRY M. TABER, "
245. THEODORE W. RILEY, <i>N. Y. City.</i>	282. T. M. PETERS, "
246. JOHN BOYD, JR., "	283. JOHN B. CORNELL, "
247. GEORGE K. SISTARE, "	284. S. ALOFSEN, "
248. J. WARREN S. DEY, "	285. SAME, "
249. WILLIAM H. BRIDGMAN, "	286. ROBERT B. MINTURN, JR., "
250. ANSON PHELPS STOKES, "	287. GEORGE TUGNOT, "
251. WILLIAM C. MARTIN, "	288. RUFUS S. BERGEN, <i>Green Point.</i>
252. A. ROBERTSON WALSH, "	289. BENJ'N W. BONNEY, <i>N. Y. City.</i>
253. JOSEPH A. SPRAGUE, "	290. BENJ'N W. BONNEY, JR., "
254. CHARLES A. PEABODY, "	291. JOHN S. H. FOGG, <i>Boston, Mass.</i>
255. WILLIAM H. MORRELL, "	292. JOHN H. WRIGHT, "
256. JOHN V. L. PRUYN, <i>Albany, N. Y.</i>	293. WILLIAM WOOD, <i>N. Y. City.</i>
257. FREDERICK JAMES DE PEYSTER, <i>N. Y. City.</i>	294. F. G. VAN WOERT, "
258. WILLIAM H. MACY, <i>N. Y. City.</i>	295. ALEX' R. T. STEWART, "
259. THOMAS PATON, "	296. JOHN B. CRONIN, "
260. DAVID STEWART, "	297. GEORGE D. MORGAN, "
261. DAVID STEWART, JR., "	298. HOMER TILTON, "
262. JOHN E. WILLIAMS, "	299. SAMUEL FROST, "
263. JOHN P. TOWNSEND, "	300. SAME, "
264. WILLIAM H. MORRELL, "	301. JAMES H. PINKNEY, "
265. HOMER MORGAN, "	302. WILLIAM T. PINKNEY, "
266. JOHN ARMSTRONG, "	303. CHARLES H. PHILLIPS, "
267. SAME, "	304. JAMES EAGER, "
268. SAME, "	305. WILLIAM UNDERHILL, "
269. SAME, "	306. JOHN D. CLUTE, "
270. N. NORRIS HALSTEAD, <i>Harri- son, Hudson Co., N. J.</i>	307. ABRAHAM B. EMBURY, "
271. WM. C. TALLMADGE, <i>N. Y. City.</i>	308. CHARLES L. RICHARDS, "
272. HOWARD CROSBY, "	309. WILLIAM BEARD, "
273. MRS. MARY E. BROOKS, "	310. JAMES H. WELLES, "
274. EDWARD HODGES, "	311. JOHN GALLIER, "
275. ROBERT W. RODMAN, "	312. CHARLES LE BOUTILLIER, "
	313. THOMAS LE BOUTILLIER, "
	314. JOHN G. LAMBESON, "
	315. RUSSELL O. ROOT, "
	316. CLARKSON CROLIUS, "
	317. WILLIAM MURPHY, <i>Chappaqua.</i>
	318. DANIEL T. WILLETS, <i>N. Y. City.</i>
	319. CHARLES GOULD, "

## SHARE

320. JOHN B. BARTLETT, *N. Y. City.*  
 321. MATHIAS CLARK, "  
 322. ROBERT M. ROBERTS, "  
 323. JAS. HASBROUCK SAHLER, "  
 324. FREDERIC DE PEYSTER, "  
 325. SAME, "  
 326. SAME, "  
 327. JOHN J. LATTING, "  
 328. DAVID BUFFUM, "  
 329. F. H. PARKER, "  
 330. GEORGE W. THOMPSON, "  
 331. THOMAS F. YOUNGS, "  
 332. OLIVER G. BARTON, "  
 333. ABRAM E. CUTTER, *Charlestown,*  
*Mass.*  
 334. WILLIAM E. LEWIS, *N. Y. City.*  
 335. JOHN H. JOHNSTON "  
 336. WILLIAM B. CLERKE, "  
 337. JOHN C. CONNOR, "  
 338. HENRY T. MORGAN, "  
 339. ABRAM A. LEGGETT, "  
 340. JAMES DAVETT, "  
 341. ERASTUS S. BROWN, "  
 342. ASHER TAYLOR, "  
 343. EDWARD BILL, "  
 344. WILLIAM H. TUTHILL, *Tipton,*  
*Cedar Co., Iowa.*  
 345. HENRY S. TERBELL, *N. Y. City.*  
 346. GEORGE W. ABBE, "  
 347. SIDNEY MASON, "  
 348. CHARLES SHIELDS, "  
 349. GEORGE B. DORR, "  
 350. GARDINER PIKE, "  
 351. JOHN C. BEATTY, "  
 352. LORA B. BACON, "  
 353. CHARLES H. LUDINGTON, "  
 354. JAMES BROWN, "  
 355. CHARLES O'CONOR, "  
 356. CHARLES B. COLLINS, "  
 357. JOHN H. WRIGHT, *Boston, Mass.*  
 358. WM. S. CONSTANT, *N. Y. City.*  
 359. GEO. W. WALES, *Boston, Mass.*  
 360. JOHN L. DEAN, *N. Y. City.*  
 361. T. MATLAOK CHEESMAN, "

## SHARE

362. MAXIMILIAN RADER, *N. Y. City.*  
 363. J. HOBART HERRICK, "  
 364. LOUIS P. GRIFFITH, "  
 365. BARROW BENRIMO, "  
 366. EDWARD F. DELANCEY, "  
 367. SAMUEL L. BREESE, "  
 368. D. HENRY HAIGHT, "  
 369. JOHN ADRIANCE, "  
 370. SAME, "  
 371. JOSEPH W. ALSOP, "  
 372. HENRY CHAUNCEY, "  
 373. FREDERICK CHAUNCEY, "  
 374. WILLIAM HABIRSHAW, "  
 375. HENRY A. HEISER, "  
 376. WILLIAM H. JACKSON, "  
 377. ELIJAH T. BROWN, "  
 378. HENRY K. BOGERT, "  
 379. ADDISON BROWN, "  
 380. ERNEST FIEDLER, "  
 381. J. WATTS DE PEYSTER, "  
 382. WILLIAM REMSEN, "  
 383. WALTER M. UNDERHILL, "  
 384. SAMUEL W. FRANCIS, "  
 385. GEORGE LIVERMORE, *Cambridge,*  
*Mass.*  
 386. SAME, "  
 387. SAME, "  
 388. SAME, "  
 389. JOHN F. GRAY, *N. Y. City.*  
 390. HENRY G. GRIFFEN, "  
 391. THOMAS S. BERRY, "  
 392. CALVIN DURAND, "  
 393. ROBERT B. MINTURN, "  
 394. F. A. P. BARNARD, "  
 395. WILLIAM BEYCE, "  
 396. JAMES BRYCE, "  
 397. AUGUSTUS BELKNAP, "  
 398. ANDREW WILSON, "  
 399. WILLIAM J. VAN DUSER, "  
 400. JOHN C. HAVEMEYER, "  
 401. JOHN T. AGNEW, "  
 402. SAME, "  
 403. CHARLES E. BEEBE, "  
 404. NATHANIEL W. CHATER, "

## SHARE

405. GEORGE C. COLLINS, *N. Y. City.*  
 406. WILLIAM H. GOODWIN, "  
 407. CHARLES G. HARMER, "  
 408. WILLIAM HEGEMAN, "  
 409. PETER V. KING, "  
 410. GEORGE W. LANE, "  
 411. LOUIS F. THERASSON, "  
 412. HENRY F. SEWALL, "  
 413. MISS ELIZABETH CLARKSON JAY,  
       *N. Y. City.*  
 414. WILLIAM E. DODGE, "  
 415. WILLIAM E. DODGE, JR., "  
 416. GEORGE W. ROBINS, "  
 417. JOHN D. LOCKE, "  
 418. JOHN MCKESSON, "  
 419. RICHARD M. HOE, "  
 420. ROBERT HOE, "  
 421. PETER S. HOE, "  
 422. AUGUSTUS W. PAYNE, "  
 423. WILLIAM OOTHOUT, "  
 424. EDWARD OOTHOUT, "  
 425. EDWARD F. HOPKINS, "  
 426. DAVID E. WHEELER, "  
 427. JOHN H. SPRAGUE, "  
 428. THEODORE VAN NORDEN, "  
 429. GEORGE DE HEART GILLESPIE,  
       *N. Y. City.*  
 430. BENJAMIN G. ARNOLD, "  
 431. CORIDON A. ALVORD, "  
 432. SAME, "  
 433. SAME, "  
 434. SAME, "  
 435. J. OTIS WARD, "  
 436. JAMES LENOX, "  
 437. SAME, "  
 438. JABEZ E. MUNSELL, "  
 439. ARNOLD O. HAWES, "  
 440. JACOB W. FEETER, "  
 441. DANIEL SPRING, "  
 442. JOHN C. GREEN, "  
 443. DAVID L. HOLDEN, "  
 444. JOSEPH W. PATTERSON, "  
 445. GORDON W. BUENHAM, "  
 446. SAMUEL WILDE, JR., "

## SHARE

447. WILLIAM B. TAYLOR, JR., *N. Y. City.*  
 448. WILLIAM V. BRADY, "  
 449. OLIVER HOYT, "  
 450. CHARLES W. LECOUR, "  
 451. JOHN H. SWIFT, "  
 452. HUGH N. CAMP, "  
 453. W. WOOLSEY WRIGHT, "  
 454. JED FRYE, "  
 455. HENRY OWEN, "  
 456. WILLIAM A. YOUNG, "  
 457. JOHN BUCKLEY, JR., "  
 458. D. RANDOLPH MARTIN, "  
 459. SAMUEL L. M. BARLOW, "  
 460. E. W. RYERSON, "  
 461. SAMUEL SHETHAR, "  
 462. GEO. BRINLEY, *Hartford, Conn.*  
 463. AUGUSTUS F. SMITH, *N. Y. City.*  
 464. WILLIAM H. HURLBUT, "  
 465. HENRY A. HURLBUT, "  
 466. MRS. SOPHIE H. SCOTT, "  
 467. THE N. Y. SOCIETY LIBRARY,  
       *New York City.*  
 468. THOMAS K. MARCY, *Brooklyn.*  
 469. JAS. Y. SMITH, *Providence, R. I.*  
 470. WM. B. BOLLES, *Astoria, N. Y.*  
 471. GOUV. MORRIS WILKINS, *New York City.*  
 472. JAMES T. FIELDS, *Boston, Mass.*  
 473. HORACE P. BIDDLE, *Logansport, Indiana.*  
 474. A. L. ROACHE, *Indianapolis, Indiana.*  
 475. MISS ELIZA S. QUINCY, *Quincy, Mass.*  
 476. ALFRED BROOKES, *N. Y. City.*  
 477. HENRY YOUNGS, JR., "  
 478. JEREMIAH LODER, "  
 479. THOMAS H. ARMSTRONG, "  
 480. WILLIAM C. BRYANT, "  
 481. MATTHEW P. READ, "  
 482. MANNING M. KNAPP, *Hackensack, N. J.*  
 483. LOCKWOOD L. DOTY, *Albany.*

## SHARE

484. WALTER L. NEWBERRY, *Chicago, Illinois.*  
 485. HAMILTON FISH, *New York City.*  
 486. WM. B. TOWNE, *Boston, Mass.*  
 487. SAME, "  
 488. SAME, "  
 489. SAME, "  
 490. SIDNEY W. DIBBLE, *N. Y. City.*  
 491. CHARLES J. SEYMOUR, *Binghamton, N. Y.*  
 492. D. A. MCKNIGHT, *Pittsburgh, Penn.*  
 493. CHAS. H. HOUSMAN, *N. Y. City.*  
 494. JAMES H. CHICHESTER, "  
 495. WILLIAM W. GREENE, "  
 496. FRANCIS F. DORR, "  
 497. CHARLES W. WHITNEY, "  
 498. ROBERT D. HART, "  
 499. GEORGE H. MATHEWS, "  
 500. THOMAS ADDIS EMMET, "  
 501. ANDREW J. SMITH, "  
 502. WILLIAM D. MAXWELL, "  
 503. CHARLES A. MACY, JR., "  
 504. THOMAS W. FIELD, "  
 505. CHARLES GORHAM BARNEY, *Richmond, Va.*  
 506. BENJ. B. ATTERBURY, *N. Y. City.*  
 507. RICHARD W. ROOHE, "  
 508. THOMAS H. MORRELL, "  
 509. SMITH BARKER, "  
 510. EVERARDUS B. WAENER, "  
 511. AUGUSTUS T. FRANCOIS, "  
 512. WM. A. STRINGERLAND, "  
 513. RILEY A. BRICK, "  
 514. SAME, "  
 515. WALTER M. SMITH, "  
 516. HENRY ELSWORTH, "  
 517. JOHN HECKER, "  
 — 518. WARREN WARD, "  
 519. CHARLES G. JUDSON, "  
 520. J. MEREDITH READ, JR., *Albany.*  
 521. JOHN H. VAN ANTWERP, "  
 522. WM. M. VAN WAGENEN, "  
 523. WM. T. RYERSON, *N. Y. City.*

## SHARE

524. EDWIN HOYT, *N. Y. City.*  
 525. JOHN VAN NEST, "  
 526. CLINTON GILBERT, "  
 527. J. CARSON BREEVOORT, *Brooklyn.*  
 528. SAME, "  
 529. ISAAC D. RUSSELL, *N. Y. City.*  
 530. HENRY OOTHOUT, "  
 531. ALEXANDER P. IRVIN, "  
 532. BERAH PALMER, "  
 533. ROBERT SCHELL, "  
 534. ALFRED T. ACKERT, *Rhinebeck.*  
 535. JOHN H. WATSON, *N. Y. City.*  
 536. ABRAHAM BALDWIN, "  
 537. EZRA A. HAYT, "  
 538. WILLIAM L. LAMBERT, "  
 539. CHARLES S. SMITH, "  
 540. CHARLES A. MACY, "  
 541. SAMUEL RAYNOR, "  
 542. LUCIUS TUCKERMAN, "  
 543. WILLIAM BETTS, "  
 544. WILLIAM K. STRONG, "  
 545. JOHN D. JONES, "  
 546. SAME, "  
 547. THOMAS C. DOREMUS, "  
 548. RUDOLPH A. WITTHAUS, JR., *N. Y. City.*  
 549. FRED'K W. MACY, *N. Y. City.*  
 550. JOSEPH N. IRELAND, "  
 551. WILLIAM MONTROSS, "  
 552. SAMUEL R. MABBATT, "  
 553. JACOB S. WETMORE, "  
 554. MARVELLE W. COOPER, "  
 555. ABRAHAM M. COZZENS, "  
 556. JACOB VAN WAGENEN, "  
 557. JOHN H. RIKER, "  
 558. WM. ALEXANDER SMITH, "  
 559. GEORGE DIXON, JR., "  
 560. HAMILTON ODELL, "  
 561. CHARLES B. RICHARDSON, "  
 562. HORATIO NICHOLS, "  
 563. GEORGE T. HALL, "  
 564. HENRY A. BURR, "  
 565. FRANKLIN H. DELANO, "  
 566. JAMES M. DEUEL, "

## SHARE

567. RICHARD IRVIN, Jr., *N. Y. City.*  
 568. DUDLEY B. FULLER, "  
 569. HENRY A. SMYTHE, "  
 570. JOSIAH S. LEVERETT, "  
 571. JOHN S. DAVENPORT, "  
 572. BRONSON PECK, "  
 573. WILLIAM A. ALLEN, "  
 574. WILLIAM DOWD, "  
 575. DAVID L. BAKER, "  
 576. JOHN G. SHEA, "  
 577. SAME, "  
 578. DAVID D. FIELD, "  
 579. WILLIAM H. APPLETON, "  
 580. SAMUEL J. TILDEN, "  
 581. SAME, "  
 582. TIMOTHY G. CHURCHILL, "  
 583. PARKER HANDY, "  
 584. NATHANIEL HAYDEN, "  
 585. JOHN G. HOLBROOKE, "  
 586. ROBERT H. MCCURDY, "  
 587. RUSH C. HAWKINS, "  
 588. L. M. FERRIS, Jr., "  
 589. THEO. ROOSEVELT, "  
 590. J. BUTLER WRIGHT, "  
 591. GEORGE PALEN, "  
 592. GEORGE GRISWOLD, "  
 593. O. D. MUNN, "  
 594. FRANK MOORE, "  
 595. WILLIAM H. LEE, "  
 596. SAME, "  
 597. HENRY E. CLARK, "  
 598. JACKSON S. SCHULTZ, "  
 599. JOHN CARTER BROWN, *Providence, R. I.*  
 600. JOHN CARTER BROWN, 2d, *Providence, R. I.*  
 601. PELEG HALL, *N. Y. City.*  
 602. CHARLES L. ANTHONY, "  
 603. GEORGE W. HALL, "  
 604. J. T. LEAVITT, "  
 605. JOSEPH HOWLAND, *Albany.*  
 606. JOHN W. MUNRO, *N. Y. City.*  
 607. PARKER HANDY, "  
 608. SAME, "

## SHARE

609. PARKER HANDY, *N. Y. City.*  
 610. GEORGE GRISWOLD, "  
 611. WILLARD PARKER, "  
 612. ALEX'r W. BRADFORD, "  
 613. BENJAMIN L. BENSON, "  
 614. EDWARD SCHELL, "  
 615. A. B. KELLOGG, "  
 616. JOSEPH O. BROWN, "  
 617. E. B. OAKLEY, "  
 618. NATHANIEL JARVIS, Jr., "  
 619. DAVID S. DUNCOMB, "  
 620. AUGUSTUS K. GARDNER, "  
 621. L. BAYARD SMITH, "  
 622. LOUIS DE V. WILDER, "  
 623. WILLIAM E. BIRD, "  
 624. FRANKLIN B. HOUGH, *Lowville.*  
 625. THOMAS P. ROWE, *N. Y. City.*  
 626. SAMUEL OSGOOD, "  
 627. CHARLES A. MEIGS, "  
 628. EDWARD H. PURDY, "  
 629. JOSEPH F. JOY, "  
 630. HEZEKIAH KING, "  
 631. HORACE W. FULLER, "  
 632. WILLIAM H. POST, "  
 633. EDWARD D. BUTLER, "  
 634. HENRY B. DAWSON, *Morrisania.*  
 635. ALMON W. GRISWOLD, *N. Y. City.*  
 636. S. TOWNSEND CANNON, "  
 637. THEODORE M. BAERNES, "  
 638. JOEL MUNSELL, *Albany.*  
 639. SAME, "  
 640. THOMAS A. BISHOP, *N. Y. City.*  
 641. SAME, "  
 642. NICHOLAS F. PALMER, "  
 643. J. L. LEONARD, *Lowville.*  
 644. DAVID C. HALSTEAD, *N. Y. City.*  
 645. THOMAS MORTON, "  
 646. J. F. SHEAFE, "  
 647. HENRY A. BOSTWICK, "  
 648. HIRAM D. DATER, "  
 649. GEORGE H. WILLIAMS, "  
 650. O. W. REYNOLDS, "  
 651. SILVANUS J. MACY, "  
 652. HENRY J. SOUDDER, "

## SHARE

653. N. W. STUYVESANT CATLIN, *N. Y. City.*  
 654. H. TRACY ARNOLD, *N. Y. City.*  
 655. BENJAMIN R. WINTHROP, "  
 656. SAME, "  
 657. BENJ. R. WINTHROP, JR., "  
 658. EGERTON L. WINTHROP, *N. Y. City.*  
 659. FRANKLIN EDSON, *Albany.*  
 660. ROBERT C. MELVAIN, *N. Y. City.*  
 661. ARCHIBALD RUSSELL, "  
 662. WILLIAM I. PAULDING, *Cold Spring.*  
 663. JOHN ROMEYN BRODHEAD, *N. Y. City.*  
 664. JOHN L. KENNIN, *N. Y. City.*  
 665. JAMES STOKES, JR., "  
 666. JOHN A. RUSSELL, "  
 667. E. M. WRIGHT, "  
 668. EVERARDUS WARNER, "  
 669. EVERARDUS B. WARNER, "  
 670. JOHN C. HEWITT, "  
 671. PETER STRYKER, *Phila., Pa.*  
 672. WILSON M. POWELL, *N. Y. City.*  
 673. SAMUEL H. BROWN, "  
 674. ELLSWORTH ELIOT, "  
 675. JOHN T. KLOTS, "  
 676. CHARLES H. DUMMER, "  
 677. HENRY D. BULKLEY, "  
 678. J. K. HAMILTON WILLOOX, "  
 679. APPLETON STURGIS, "  
 680. WILLIAM T. SALTER, "  
 681. WILLIAM ROCKWELL, "  
 682. E. H. JAMES, "  
 683. THOMAS B. NEWBY, "  
 684. LOUIS DE V. WILDER, "  
 685. SAME, "  
 686. SAMUEL COULTER, "  
 687. RALPH CLARK, "  
 688. THOMAS F. DE VOE, "  
 689. JOHN GROSHON, "  
 690. S. L. BOARDMAN, *Augusta, Me.*  
 691. CHARLES J. FOLSOM, *N. Y. City.*  
 692. GEORGE FOLSOM, "

## SHARE

693. EVERARDUS WARNER, *N. Y. City.*  
 694. GEORGE O. EYLAND, "  
 695. O. F. HARDON, "  
 696. F. WILEY, "  
 697. ALEXANDER WILEY, "  
 698. JOHN W. SCOTT, *Astoria.*  
 699. EDWARD ANTHONY, *N. Y. City.*  
 700. CHAUNCEY P. SMITH, *Wolcott.*  
 701. H'Y CAMERDEN, JR., *N. Y. City.*  
 702. GEORGE BANCROFT, "  
 703. ABRAHAM R. WEAVER, "  
 704. JAMES W. PURDY, "  
 705. CHAS. CONGDON, *B'klyn, N. Y.*  
 706. LONG ISLAND HISTORICAL SOCIETY, *Brooklyn, N. Y.*  
 707. BROOKLYN MERCANTILE LIBRARY ASSOCIATION, *Brooklyn, N. Y.*  
 708. NEW BEDFORD FREE LIBRARY, *New Bedford, Mass.*  
 709. JOHN DAVID WOLFE, *N. Y. City.*  
 710. MISS C. L. WOLFE, "  
 711. GEORGE W. COOK, "  
 712. JAMES L. WOODWARD, "  
 713. WILLIAM FREDERICK POOLE, *Boston, Mass.*  
 714. BENJAMIN H. FIELD, *N. Y. City.*  
 715. CORTLANDT DE PEYSTER FIELD, *N. Y. City.*  
 716. JOHN FITCH, *N. Y. City.*  
 717. SAME, "  
 718. F. AUGUSTUS WOOD, "  
 719. JOHN H. DILLINGHAM, *Haverford College, Pa.*  
 720. F. AUGUSTUS WOOD, *N. Y. City.*  
 721. CHARLES A. PEABODY, "  
 722. EDWIN F. COREY, JR., "  
 723. JOHN G. LAMBERSON, "  
 724. SAME, "  
 725. JOHN E. PARSONS, "  
 726. GRATZ NATHAN, "  
 727. B. F. DE COSTA, "  
 728. HENRY C. POTTER, "  
 729. HENRY NICOLL, "  
 730. GEORGE E. MOORE, "



SHARE			SHARE		
731.	JOHN F. TROW,	<i>N. Y. City.</i>	741.	GEORGE H. MOORE,	<i>N. Y. City.</i>
732.	SAME,	"	742.	SAME,	"
733.	SAME,	"	743.	SAME,	"
734.	SAME,	"	744.	SAME,	"
735.	SAME,	"	745.	SAME,	"
736.	SAME,	"	746.	SAME,	"
737.	SAME,	"	747.	SAME,	"
738.	SAME,	"	748.	SAME,	"
739.	SAME,	"	749.	SAME,	"
740.	SAME,	"	750.	SAME,	"

## SHAREHOLDERS BY TRANSFERS TO DECEMBER, 1868.

SHARE		SHARE	
150.	GEORGE H. PEEKE, <i>Jersey City,</i> <i>N. J.</i>	358.	ROBERT S. MILLER, <i>N. Y. City.</i>
167.	JOHN H. THOMPSON, <i>New York</i> <i>City.</i>	670.	WM. P. PRENTICE, " <i>Haverford College Library,</i> <i>Haverford College, Pa.</i>













~~DUE DEC 14 '32~~

CANCELLED

515367  
APR 3 '76

~~DEC 6 '35~~

~~DUE NOV 26 '48~~

~~APR '64H~~

~~1-07464~~

DUE DEC 14 '76  
~~CANCELLED~~  
1491450



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